"John Coequyt" <john.coequyt@sierraclub.org>

11/28/2011 07:43 AM

Please respond to John Coequyt <john.coequyt@sierraclub.org>

To Janet McCabe

cc

bcc

Subject Accepted: Navajo Generating Station

"John Coequyt" <john.coequyt@sierraclub.org>

08/29/2012 05:15 PM

Please respond to John Coequyt <john.coequyt@sierraclub.org>

To Joseph Goffman

cc

bcc

Subject Accepted: Meeting with Sierra Club

"Lee Palmer"
<PalmerL@sidwell.edu>
02/27/2012 08:27 AM

To Bob Perciasepe
cc
bcc
Subject FW: Tar Sands Students Information

Are you willing to meet with some of these kids? Celeste is a senior at SFS and a wonderful young woman. She met with me on Friday and I asked her to send this summary so I could forward it to her.

-----Original Message-----
From: Celeste Robinson
Sent: Friday, February 24, 2012 4:19 PM
To: Lee Palmer
Subject: Tar Sands Students Information

Hey Ms. Palmer,

Here's the low down on Tar Sands Students:

Tar Sands Students is composed of more than 70 area high school students from about 20 schools. Formed in September in response to the proposed construction of the Keystone XL Pipeline, the group has met with such officials as Assistant Secretary of State Kerri-Ann Jones, CEQ Officials Ellen Athas and Rohan Patel, and other State Department, EPA, and Executive Office Officials.
We urge government officials to unequivocally and proudly reject construction of the Keystone XL Pipeline and any other tar sands exploitation. We advocate funding, research, and development of clean energy alternatives like solar, wind, and wave power.
We try to speak on behalf of the local, national, and international youth who do not want to see our futures blighted by policy over which we had no control.
We work in conjunction with the Sierra Club, but are and independent organization founded, organized, and executed entirely by high school students.
We would love the opportunity to meet with Mr. Perciasepe and talk with him about the youth perspective.

Thanks,
Celeste Robinson on behalf of Tar Sands Students

"Linda LaViolette " <lalaviolette@hotmail.com>

07/02/2012 05:27 PM

To "Steven Miller ", Bob Perciasepe, Mathy Stanislaus, Natalie Loney, "Nydia.Velazquez@mail.house.gov "

cc (b) (6) ", Diane Buxbaum, "Diane Bxbaum ", (b) (6) m ", "enviromediamobile.udec@gmail.com ", "eric@parkslopeneighbors.org ", "eymund@gmail.com ", "Hans Hesselein ", "jjarmer@yahoo.com ", "jverleun@riverkeeper.org ", "LKleinman@waterfrontalliance.org ", "pardonmeinbrooklyn@gmail.com ", "ritamiller103@yahoo.com ", "sabine13@gmail.com ", "studio460@msn.com ", "richkampf@gmail.com ", "JLKENLON@GMAIL.COM ", "ringoandme2@gmail.com ", "Dan Wiley "

bcc

Subject Re: Gowanus Superfund CAG

Great letter
Sent from my Verizon Wireless BlackBerry

-----Original Message-----
From: Steven Miller <stevenmiller@superfinefilms.com>
Date: Mon, 2 Jul 2012 21:24:52
To: <perciasepe.bob@epa.gov>; <stanislaus.Mathy@epa.gov>;
<Loney.Natalie@epamail.epa.gov>; <Nydia.Velazquez@mail.house.gov>
Cc: ; <bryan_e_quinn@yahoo.com>;
<buxbaum.diane@epa.gov>; >; ;
<enviromediamobile.udec@gmail.com>; <eric@parkslopeneighbors.org>;
<; <hans@gowanuscanalconservancy.org>; >;
<jverleun@riverkeeper.org>; ;
<LKleinman@waterfrontalliance.org>; m>;
>; >;
<stevenmiller@superfinefilms.com>; <studio460@msn.com>; ;
<m>;
Subject: Gowanus Superfund CAG

0 false 18 pt 18 pt 0 0 false false false
July 2, 2012

Robert Perciasepe
Deputy Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue N
Washington, DC 20004

Mathy Stanislaus
Assistant Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Deputy Administrator Perciasepe and Assistant Administrator Stanislaus,
The Gowanus Canal Superfund Site Community Advisory Group (CAG) consists of 54 representatives from civic, environmental, business and community organizations, as well as individual "at-large" citizen-members who live or

work in the Gowanus watershed. These individuals and organizations are concerned and active stakeholders with a vested interest in the success and permanence of the cleanup of the Gowanus Canal.

As you know, our community has been plagued by the pollution in the canal caused by combined sewer overflows whose toxic compounds and hazardous regulated materials present adverse health risks to people, animals and plant life. In several resolutions to date, the CAG has expressed its overwhelming support for addressing CSOs as part of the Superfund clean-up.

We understand that you have granted Caswell Holloway, New York City Deputy Mayor for Operations and Carter Strickland, Commissioner of NYC's Department of Environmental Protection, an opportunity to discuss with you both, the city's role in the clean-up of the canal.

As key stakeholders we often have a very different point of view from our City Administration and we respectfully ask that you make no decision regarding this project without the benefit of providing our community an equal opportunity to meet with you to discuss our concerns. Therefore we formally invite you both to meet with the CAG Water Quality and Technical Committee as soon as possible.

The Water Quality and Technical Committee of the Gowanus Canal Superfund Site Community Advisory Group greatly appreciates the support the EPA has provided to our community as we begin the process of cleaning up the Gowanus Canal and we look forward to meeting with you at your earliest possible convenience.

Sincerely,

Gowanus Canal Superfund Site Community Advisory Group Water Quality and Technical Committee,

Steven Miller
Jerry Armer
Alex Lechich
Bryan Quinn
Emily Guyer
Ludger Balan
Eric McClure
Eymund Diegel
Hans Hesselein
Joshua Verleun
Linda LaViolette
Louis Kleinman
Katia Kelly
Rita Miller
Marlene Donnelly
Richard Kampf
Jennevive Kenlon

CC Congresswoman, Nydia Velazquez

The Gowanus CAG is proud to include the following Organizational Members:

Brooklyn Chamber of Commerce
Carroll Gardens Coalition for Respectful Development (CORD)
Carroll Gardens Neighborhood Association
Center for Urban Pedagogy
Citizens of Pozzallo
Cobble Hill Association
Community Board 6
Fifth Avenue Committee
Friends and Residents of Greater Gowanus (FROGG)
Friends of Douglass/Greene Park, Inc.
Gowanus Canal Community Development Corporation

Gowanus Canal Conservancy
Gowanus Dredgers Canoe Club
Gowanus Houses Tenants Association
Gowanus Neighborhood Association/Gowanus-4-Life
Metropolitan Waterfront Association
Our Lady of Loretto Council #585, Knights of Columbus
Park Slope Civic Council
Park Slope Neighbors
Pratt Center for Community Development
Proteus Gowanus
Red Hook Civic Association
Red Hook East Tenants Association
Red Hook West Tenants Association
Riverkeeper
Sierra Club
South Brooklyn Local Development Corporation
Southwest Brooklyn Industrial Development Corporation
Urban Divers Estuary Conservancy
Wyckoff Gardens Tenants Association/Public Housing Communities, Inc.

"Nathaniel Keohane"
<nkeohane@edf.org>
02/12/2010 03:25 PM

To Rob Brenner, Dina Kruger, Joseph Goffman
cc "Michael A Livermore", "Johnson, Laurie", "Vickie Patton"
bcc
Subject Letter on the presentation of the SCC

Dear Rob, Dina, and Joe,

I am attaching a letter signed by EDF, NRDC, UCS, NWF, Sierra Club, and the Institute for Policy Integrity, containing several recommendations for the presentation of the social cost of carbon in agency rulemakings. The letter was just transmitted to Administrator Jackson as well as a range of other senior government officials. We greatly appreciate all the work that has gone into the SCC process, and hope that these recommendations will be useful going forward. I will also forward a copy to Asst. Administrator McCarthy.

Warm regards,

Nat

<<NRDC-EDF-NYU-UCS-SC-NWF letter.pdf>>

Nathaniel Keohane, Ph.D
Director, Economic Policy and Analysis
Environmental Defense Fund
257 Park Avenue South
New York, New York 10010
t 212 616 1271

f 212 254 7408
nkeohane@edf.org

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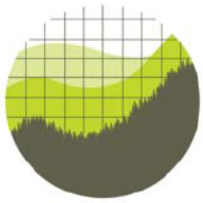

Institute *for* Policy Integrity
new york university school of law

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Union of Concerned Scientists
Citizens and Scientists for Environmental Solutions

Steven Chu, Secretary
Department of Energy

Lisa Jackson, Administrator
Environmental Protection Agency

Raymond H. LaHood, Secretary
Department of Transportation

Gary Locke, Secretary
Department of Commerce

Peter Orszag, Director
Office of Management and Budget

Christina Romer, Chair
Council of Economic Advisors

Kenneth Lee Salazar, Secretary
Department of the Interior

Carol M. Browner, Assistant to the President
Office of Energy and Climate Change Policy

Lawrence H. Summers, Director
National Economic Council

Nancy Helen Sutley, Chair
Council on Environmental Quality

John Holdren, Director
Office of Science and Technology Policy

Richard G. Newell, Administrator
Energy Information Administration

Jane Lubchenco, Administrator
National Oceanic and Atmospheric Administration

Cass Sunstein, Administrator
Office of Information and Regulatory Affairs

February 12, 2010

Subject: Presentation of the Social Cost of Carbon in Rulemaking Actions

Dear Senior U.S. Government Officials:

We respectfully offer the following recommendations concerning how the social cost of carbon (SCC) is presented in rulemakings affecting greenhouse gas emissions, with the hope that they will help ensure more transparent and rigorous analysis. While the issues they address are immediately relevant to the EPA-NHTSA Proposed Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel

Economy Standards, the methodology for determining the SCC is also expected to be used in future rulemaking actions by other government agencies. We are therefore respectfully submitting these recommendations to a range of staff at relevant agencies.

The complexity of the Integrated Assessment Models used to estimate the SCC justifies paying special attention to how results are presented. In particular, these models are widely recognized to have limited ability to quantify the full range of damages from climate change and incorporate catastrophic risks. Moreover, the model outputs are sensitive to a range of underlying assumptions. For these reasons, agencies should include the following material in their presentation of the SCC. **This material should be presented in the preamble of proposed and final rulemaking actions, and should be discussed in explaining agency decisions**.

- **Climate impacts omitted from the models should be identified explicitly.** A table should be provided that lists, for each economic model, what impacts were not included in the model's estimate of monetized damages. Accompanying text should serve to explain and complement the table entries but not be a substitute for them.

- **SCC values should be presented as a distribution, rather than relying on simple point estimates such as means or medians.** Given the sensitivity of estimated climate impacts to the future emissions trajectory, and the potential for large-scale, irreversible tipping points in the climate system, it is crucial that damages be presented at the 95th and 99th percentiles. The 99th percentile is especially critical, given the models' inability to capture catastrophic risk — considered by many experts to be the most important factor in evaluating climate policy.

- **A comprehensive discussion of model assumptions and their implications should be provided.** Key assumptions used as inputs to the models, as well as the rationales behind them, should be fully explained — in particular, assumptions about global and inter-generational equity weights, discount rates, climate sensitivity, risk aversion, level of geographic disaggregation, and the form of the damage function. Sensitivity analyses should be performed wherever possible for assumptions that make a material difference in the agencies' estimates. The values of sensitivity parameters should reflect a reasonable range of judgment adopted in the published literature. Where sensitivity analyses cannot be performed directly, the agencies should present the relevant findings from the published literature, along with the estimated SCC values.

- **SCC estimates used in rulemaking actions should be presented and updated as part of an ongoing assessment grounded in science, economics, and other relevant disciplines.** Estimates of the SCC in future rulemakings should be updated to reflect the accumulation of new knowledge, following the pace at which climate science and economic modeling advances. As part of this ongoing assessment, experts from a broad range of disciplines in the natural and social sciences should provide external review of the SCC.

Thank you for consideration of these recommendations.

Sincerely,

Laurie T. Johnson, Ph.D.
Chief Economist
Climate Center
Natural Resources Defense Council

Dave Hamilton
Director
Global Warming and Energy Programs
Sierra Club

Nathaniel Keohane, Ph.D.
Director
Economic Policy and Analysis
Environmental Defense Fund

Michael A. Livermore
Executive Director
Institute for Policy Integrity
New York University School of Law

Joseph Mendelson III
Director
Global Warming Policy
National Wildlife Federation

Lance Pierce
Director
Climate and Energy Program
Union of Concerned Scientists

"National Journal LIVE" <rsvp@nationaljournal.com>

11/19/2012 01:35 PM

To Bob Perciasepe

cc

bcc

Subject Carol Browner Joins December 5 Policy Summit on Clean Air Act, RSVP TODAY!

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600 New Hampshire Avenue NW, Washington, DC 20037

"National Journal LIVE" <rsvp@nationaljournal.com>

11/15/2012 10:39 AM

To Bob Perciasepe

cc

bcc

Subject Join National Journal for a Policy Summit Examining the Past, Present & Future of the Clean Air Act

NationalJournalLive

RSVP: www.njcleanair.eventbrite.com

POLICY SUMMIT

Legacy of the Clean Air Act
Looking Back, Moving Forward

MODERATED BY:

Amy Harder
Energy and Environment Correspondent, *National Journal*

FEATURING:

Carol Browner
Former Administrator of the EPA; Former Director of the White House Office of Energy and Climate Change Policy; Distinguished Senior Fellow, Center for American Progress; Senior Counselor, Albright Stonebridge Group

EXPERT PANEL:

Ali Mirzakhalili
Director of Air Quality Division, State of Delaware

Jerome A. Paulson, MD, FAAP
Medical Director, Child Health Advocacy Institute at Children's National Medical Center, Washington, DC

John D. Walke
Director of Clean Air Programs, Natural Resources Defense Council

Additional Speakers to be Announced

With the passage of the Clean Air Act in 1970 and subsequent amendments, Congress established sweeping public health safeguards to protect the public – including those most vulnerable to the impacts of air pollution, children, the elderly and low-income communities – against the dangerous levels of air pollution filling our nation's skies. Implementation and enforcement of the law has not been without debate, especially from those who are required to update business practices or install pollution control technology who argue that the law's requirements are too expensive for a fragile economy. Has EPA delivered on Congress' promise of clean air for all people, or is there still work to be done to protect public health with an "adequate margin of safety"? What changes to the Clean Air Act might better protect public health more quickly and effectively, without placing an undue burden on the economy? And finally, looking ahead to 2013, what are some of the most important challenges that should be addressed by a new Congress and second Obama administration?

Join *National Journal* and a panel of experts as we explore the promise of the Clean Air Act, its legacy after 40 years, and a look ahead to its future with the new Congress and Administration.

Wednesday, December 5
8:00 AM Registration
8:30 – 10:30 AM Program

Newseum
Knight Broadcast Studio,
3rd Floor (C Street Entrance)
555 Pennsylvania Ave, NW
Washington, DC

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"National Journal LIVE"
<rsvp@nationaljournal.com>
11/28/2012 02:12 PM

To Bob Perciasepe
cc
bcc
Subject New Speakers Confirmed for 12/5 Policy Summit on Clean Air Act | RSVP TODAY!

EVENT INVITATION | NATIONAL JOURNAL LIVE POLICY SUMMIT

Legacy of the Clean Air Act: Looking Back, Moving Forward

Wednesday, December 5
8:00 – 10:30 am

Newseum Knight Broadcast Studio
3rd Floor (C Street Entrance)
555 Pennsylvania Ave, NW
Washington, DC

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#NJCleanAir

With the passage of the Clean Air Act in 1970 and subsequent amendments, Congress established sweeping public health safeguards to protect the public – including those most vulnerable to the impacts of air pollution, children, the elderly and low-income communities – against the dangerous levels of air pollution filling our nation's skies. Implementation and enforcement of the law has not been without debate, especially from those who are required to update business practices or install pollution control technology who argue that the law's requirements are too expensive for a fragile economy. Has EPA delivered on Congress' promise of clean air for all people, or is there still work to be done to protect public health with an "adequate margin of safety"? What changes to the Clean Air Act might better protect public health more quickly and effectively, without placing an undue burden on the economy? And finally, looking ahead to 2013, what are some of the most important challenges that should be addressed by a new Congress and second Obama administration?

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MODERATED BY:
Amy Harder, Energy and Environment Correspondent, National Journal

FEATURING:
Carol Browner, Former Administrator of the EPA; Former Director of the White House

Office of Energy and Climate Change Policy; Distinguished Senior Fellow, Center for American Progress; Senior Counselor, Albright Stonebridge Group

EXPERT PANEL:
David K. Markarian, Vice President of Governmental Affairs, NextEra Energy, Inc.

Ali Mirzakhalili, Director of Air Quality Division, State of Delaware

Jerome A. Paulson, MD, FAAP, Medical Director, Child Health Advocacy Institute at Children's National Medical Center, Washington, DC

John D. Walke, Director of Clean Air Programs, Natural Resources Defense Council

Additional speakers to be announced

With Special Thanks to our Underwriter: American Lung Association

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"National Journal LIVE"
<rsvp@nationaljournal.com>
12/04/2012 11:13 AM

To Bob Perciasepe
cc
bcc
Subject Rep. Joe Barton to Keynote Dec. 5 Clean Air Act Policy Summit | RSVP TODAY

FINAL LINEUP CONFIRMED

EVENT INVITATION | NATIONAL JOURNAL LIVE POLICY SUMMIT

Legacy of the Clean Air Act: Looking Back, Moving Forward

Wednesday, December 5
8:00 – 10:30 am

Newseum Knight Broadcast Studio
3rd Floor (C Street Entrance)
555 Pennsylvania Ave, NW
Washington, DC

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With the passage of the Clean Air Act in 1970 and subsequent amendments, Congress established sweeping public health safeguards to protect the public – including those most vulnerable to the impacts of air pollution, children, the elderly and low-income communities – against the dangerous levels of air pollution filling our nation's skies. Implementation and enforcement of the law has not been without debate, especially from those who are required to update business practices or install pollution control technology who argue that the law's requirements are too expensive for a fragile economy. Has EPA delivered on Congress' promise of clean air for all people, or is there still work to be done to protect public health with an "adequate margin of safety"? What changes to the Clean Air Act might better protect public health more quickly and effectively, without placing an undue burden on the economy? And finally, looking ahead to 2013, what are some of the most important challenges that should be addressed by a new Congress and second Obama administration?

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MODERATED BY:
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FEATURING:
Rep. Joe Barton (R-TX), Chairman Emeritus, House Committee on Energy and Commerce
Carol Browner, Former Administrator of the EPA; Former Director of the White House Office of Energy and Climate Change Policy; Distinguished Senior Fellow, Center for American Progress; Senior Counselor, Albright Stonebridge Group

EXPERT PANEL:
Paul Bailey, Senior Vice President for Federal Affairs & Policy, American Coalition for Clean Coal Electricity
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Ali Mirzakhalili, Director of Air Quality Division, State of Delaware
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With Special Thanks to our Underwriter: American Lung Association

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12/05/2012 07:38 AM

To Bob Perciasepe
cc
bcc
Subject WATCH IT LIVE AT 8:30AM: Clean Air Act Policy Summit feat. Rep. Joe Barton & Carol Browner

Good morning,

Even if you aren't able to attend today's National Journal LIVE **"Legacy of the Clean Air Act: Looking Back, Moving Forward"** policy summit underwritten by American Lung Association (ALA), *you don't have to miss it! Simply* click here at **8:30 AM (EDT)** or visit http://www.nationaljournal.com/events to watch the live stream video of the event featuring:

Keynote One-on-One Interviews

Moderated By:
Amy Harder, Energy and Environment Correspondent, National Journal

Featuring:
Rep. Joe Barton (R-TX), Chairman Emeritus, House Committee on Energy and Commerce
Carol Browner, Former Administrator of the EPA; Former Director of the White House Office of Energy and Climate Change Policy; Distinguished Senior Fellow, Center for American Progress; Senior Counselor, Albright Stonebridge Group

Panel Discussion:

Moderated By:
Amy Harder, Energy and Environment Correspondent, National Journal

Featuring:
Paul Bailey, Senior Vice President for Federal Affairs & Policy, American Coalition for Clean Coal Electricity
David K. Markarian, Vice President of Governmental Affairs, NextEra Energy, Inc.
Ali Mirzakhalili, Director of Air Quality Division, State of Delaware
Jerome A. Paulson, MD, FAAP, Medical Director, Child Health Advocacy Institute at Children's National Medical Center, Washington, DC
John D. Walke, Director of Clean Air Programs, Natural Resources Defense Council

Be sure to tweet about the event using hashtag **#NJCleanAir**

We appreciate your interest!

The National Journal LIVE Events Team

With special thanks to our underwriter: American Lung Association (ALA)

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"Robert 'Mike' McGhee"
<rmcghee2@bellsouth.net>
05/21/2012 08:25 AM

To Nancy Stoner, Bob Perciasepe
cc
bcc
Subject Article

EPA Probes for Conflicts of Interest
Should Start In Their Own Building

(Tallahassee, FL – May 17, 2012) Prompted by a petition from two environmental interest groups, the EPA is searching for conflicts of interest among Florida's environmental officials.

"If EPA is on the hunt for conflicts of interest they can start in their own building," said Ryan Houck, executive director of Free Market Florida. "Many of EPA's top brass have extensive ties to environmental litigation groups with a clear financial interest in the outcome of major permitting battles. Somehow, I doubt the Florida Clean Water Network or PEER will be calling for their firing."

Many of EPA's top regulators are former staffers for major environmental litigants, which frequently bring suit against the agency over permitting issues. These environmental interest groups have a direct financial stake in the outcome of litigation with the EPA, which includes their ability to request attorney's fees through the Equal Access to Justice Act. Recently, EPA has drawn fire for its "sue-and-settle" formula—a process by which environmental groups bring suit against the EPA in order to trigger a rulemaking process that results in new regulations.

"The EPA has ceased to be an impartial referee on permitting matters," said Houck. "They've strapped on pads and are on the field playing for environmental extremists. It's exactly what you'd expect from a system wherein environmental interest groups serve as de facto farm teams for EPA. It's just laughable that environmental litigants are now pointing the finger at others."

A brief list of senior EPA officials who have formerly worked at environmental interest groups that often sue the EPA:

Nancy Stoner, Interim Assistant Administrator of Water
Formerly Worked for: Natural Resources Defense Council

Glenn Paulson, Chief Scientist
Formerly Worked for: Natural Resources Defense Council

Michael L. Goo, Associate Administrator for the Office of Policy
Formerly Worked for: Natural Resources Defense Council

Bob Perciasepe, Deputy Administrator
Formerly Worked for: National Audubon Society

Cynthia Giles, Assistant Administrator for Enforcement & Compliance
Formerly Worked for: The Conservation Law Foundation's Advocacy Center

Michelle J. DePass, Asst. Administrator for the Office of International and Tribal Affairs
Formerly Worked for: The New York City Environmental Justice Alliance

Mathy Stanislaus, Assistant Administrator for Solid Waste
Formerly Served on the Board of: NYC Environmental Justice Alliance

Curt Spalding – Region 1 Director
Formerly Worked for: “Save the Bay” and “Narragansett Bay Keeper”

Judith A. Enck – Region 2 Director
Formerly Worked for: New York PIRG and Environmental Advocates of New York

Susan Hedman – Region 5 Director
Formerly Worked for: Environmental Law and Policy Center and Center for Global Change

Karl Brooks – Region 7 Director
Formerly Worked for: Idaho Conservation League

James B. Martin – Region 8 Director
Formerly Worked for: Environmental Defense Fund

Jared Blumenfeld – Region 9 Director
Formerly Worked for: Sierra Club Legal Defense Fund, the NRDC and International Fund for Animal Welfare

Free Market Florida is a free market watchdog group affiliated with the newly launched Free Market America. The organization emerged from a coalition of business and civic leaders which, in 2010, led the successful “Vote No on 4” campaign, garnering 67 percent of the vote.

- wide.1.png

Robert Garcia The City Project <rgarcia@cityprojectca.org>
Sent by: "Robert Garcia The City Project" <rgarcia=cityprojectca.org@ma

02/10/2012 03:59 AM

Please respond to
Robert Garcia The City Project
<rgarcia@cityprojectca.org>

To Bob Perciasepe

cc

bcc

Subject Bringing the San Gabriel Mountains Closer to the People KCET Departures Green Justice

This email is also available online at: http://www.cityprojectca.org/blog/archives/12896

Follow us:

January 10, 2012

Bringing the San Gabriel Mountains Closer to the People KCET Departures Green Justice

Green Justice

Bringing the San Gabriel Mountains Closer to the People

by *Robert Garcia*

Paco Serrano, a Highland Park youth advocate with the Anahuak Youth Sports Association, will drive three hours to go hiking and camping in Lake Isabella in the heart of the Kern River Valley, but he has never been to the Angeles National Forest or the San Gabriel Mountains, less than an hour away. Serrano is now working to support a proposed national recreation area there. "I think it's important to take children to the San Gabriel Mountains so they can see that nature is free to them. They will begin to appreciate the mountains for themselves. Many people in my community don't know of the opportunities provided in the San Gabriel Mountains."The San Gabriels represent about 78% of the open space in Los Angeles County, the largest "urban" forest in the nation. Ten million people live within an hour's drive, with opportunities for recreation and physical activity, as well as education, spirituality, and respite from urban stresses. The San Gabriel Watershed is a critical source of clean air, habitat protection, and clean water, providing about a third of the drinking water for local communities.

While the San Gabriel Valley is ethnically and economically diverse, the visitors to the Angeles National Forest are overwhelmingly white. According to the United States Forest Service, Latinos are nearly 50% of the area's population, but account for only 11% of the visitors to the forest. Similarly, Asians are 25% of the area's population, but are less than 5% of the visitors. Only 1%

of Angeles visitors are African American.

The San Gabriel Mountains Forever Coalition is organizing a regional and national push to diversify access to and support for the Angeles National Forest and San Gabriel Mountains through a national recreation area (NRA) to be managed by the National Park Service.

According to Daniel Rossman, a member of the Coalition and Regional Associate with The Wilderness Society, "the NRA would go through the heart of the San Gabriel Valley, incorporating the San Gabriel River and the Puente Chino Hills State Park. It would leverage resources to address the open space needs of the community and promote a connected trails system. It could support a transit-to-trails program providing public transportation to outdoor recreation. And our vision includes a Conservation Corps program to offer year-round employment for regional youth and returning military veterans."

Rossman said NPS would spend $2 to $4 million to create the NRA. The United States Forest Service would also spend resources to manage its own lands and resources in the Angeles and adjoining San Bernardino National Forest. In the past the USFS has prioritized fire control rather than recreation, leading to rundown trails and facilities.

Where will the money come from? "Federal appropriations. Other NRA designations have been able to leverage private sources of funding. Such a designation would help support public and private funding in the region and better leverage resources among agencies," according to Rossman.

Families enjoying the East Fork of the San Gabriel River. Photo by Andrew M. Harvey used with permission.

The need to improve public health helps build support for the NRA. According to Nelson Trujillo, a resident of East Los Angeles, "There is no safe place for outdoor recreation where I live. It's dangerous. I think physical activity will improve the health of my children, keep them safe, healthy and out of trouble." Throughout much of the San Gabriel Valley, 30% or more of all

children are overweight or obese. Outdoor programs could also provide positive alternatives to gangs, crime, drugs and violence.

Why are visitation rates by people of color so low to the Angeles? That is a pattern often seen in national forest and park lands. According to a recent study of the Golden Gate National Recreation Area – one of the most visited national parks – traditionally absent groups expressed frustration with limited physical access, subtle racism, and general exclusion from the culture of parks as reasons they avoid these public spaces.

Professor Nina Roberts, one of the authors of the study, explains, "Research over a span of 50 years exploring precisely that question has shifted focus from marginalization due to cost and transportation, to a more cultural understanding of not feeling comfortable or welcome by other visitors or park staff." The San Francisco State academic adds, "Policies covering what is permissible or considered appropriate to do in these areas may not fit cultural preferences and patterns. In the last 10 to 15 years, for example, agencies have come to recognize the need for large group camp-outs and picnic sites to accommodate extended families. Picnics, outdoor sports, throwing a football around, playing soccer or other social activities may be limited, with people often told to get off the land." People of color disproportionately visit parks in large family groups and for active recreation. According to Roberts, "agencies are trying to do a better job with community engagement. We will see a better level of comfort as a result." But history is still real today, she points out.

Church of Epiphany enjoying a hike in the Angeles National Forest. Photo courtesy of the Sierra Club.

In the 1920s and after, racially restrictive covenants prevented people of color from owning or using property at Lake Arrowhead, a mountain lake that lies in the San Bernardino Mountains just outside the proposed NRA area. The federal government traded away land on the lake for land in the woods. Today there is no public access to Lake Arrowhead, as private mansions and businesses ring the lake in what ironically is known as "the Beverly Hills of the Mountains." In the last decade, the Forest Service faced employment discrimination suits by women, Latinos and African Americans that led to programs to diversify staff and visitors.

Pedro Chavez, a resident of Glassell Park, favors signage and programs in English and Spanish in the NRA "because there are many people who don't speak English." A November 2010 poll by the University of Southern California and the Los Angeles Times found that Latino and Asian voters throughout California are significantly more concerned about core environmental issues, including global warming and pollution, than non-Hispanic whites. This study allowed voters to answer questions in their native language. This suggests that culturally appropriate programs could engage more visitors.

Robert Bracamontes, a member of the Acjachemen Nation, Juaneno Tribe, urged cabinet level federal officials to include Native Americans in the planning process at a public hearing in the summer of 2010. "The most important message here is that we are on Tongva land. They are the people who should be making decisions about their land and the sacred sites on it." The Haramokngna American Indian Cultural Center in the Angeles National Forest features a museum, gallery, and activity space. Other cultural and historical sites in the study area and in or near the proposed NRA include the Juan de Bautista National Historic Trail, the Old Spanish National Historic Trail, the grave of Owen Brown, who took part in the slave rebellion at Harper's Ferry, and the sites of WWII Japanese relocation assembly centers at the Santa Anita racetrack and the Pomona County fairgrounds.

The 1930 Olmsted plan, *Parks, Playgrounds and Beaches for the Los Angeles Region* , called for including Angeles National Forest and San Gabriel River as part of a comprehensive web of parks, playgrounds, mountains, beaches, rivers and transportation. A 2004 study by USC documented that there is no realistic way of reaching the Angeles Forest from Union Station via transit. A transit-to-trails program would help.

Alternative D from the San Gabriel Watershed and Mountains Special Resources Study. Click to enlarge.

NPS released a draft study in November 2011, called the San Gabriel Watershed and Mountains Special Resources Study, and has extended the public comment period to February 13, 2012.

The Coalition supports an improved version of Alternative D from the study simply because "it does more to improve recreational opportunity for the region and is the environmentally preferred alternative," according to Juana Torres, a member of the Coalition and regional organizer with the Sierra Club.

There has been some opposition to the NRA based on a stated fear of large government and claimed federal land grab, but "our vision is to ensure that the land that we already own, as taxpayers, meets our local needs. The community overwhelmingly supports this vision," reports Torres.

The City Project and diverse allies who are in the Coalition are submitting recommendations in support of Alternative D which includes equal access to public resources under equal justice laws

and principles, and adequate funding for all. The National Park Service has an opportunity to create a best practice example in the San Gabriel Mountains of a balanced urban national recreation area with passive recreation like hiking in the mountains and active recreation including sports fields in the flat lands that serves the diverse needs of people of color, environmental justice, and environmental quality for all.

People who would like to weigh in can write to the National Park Service in their own words, or respond to a questionnaire on the NPS web site.

San Gabriel Mountains Forever Coalition at America's Great Outdoors Listening Session, Whitter Narrows. Photo courtesy of SGMF.
Lead photo above courtesy of Fabiola Lao for SGMF.

Please consider making a secure, online, tax-deductible donation to The City Project to help promote equal justice, democracy, and livability for all.

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213-977-1035

Robert Garcia The City Project <rgarcia@cityprojectca.org>
Sent by: "Robert Garcia The City Project" <rgarcia=cityprojectca.org@ma

01/10/2013 06:02 PM

Please respond to
Robert Garcia The City Project
<rgarcia@cityprojectca.org>

To Bob Perciasepe

cc

bcc

Subject Santa Monica Mountains for All: Expanding the Largest Urban National Park for Green Justice

This email is also available online at: http://www.cityprojectca.org/blog/archives/17694

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January 10, 2013

Santa Monica Mountains for All: Expanding the Largest Urban National Park for Green Justice

SoCal > Departures > Land of Sunshine > Green Justice > Santa Monica Mountains for All: Expanding the Largest Urban National Park for Green Justice

by Ramya Sivasubramanian

The Santa Monica Mountains are L.A.'s backyard, but for children of color living in poverty with no access to a car, they may as well be worlds away. Expanding the largest urban national park in the country and creating adequate public transportation to the park will bring this resource to all our children.

The Santa Monica Mountains National Recreation Area (NRA), with 150,000 acres of mountains and coastline, provides a seamless network of federal, state, and local park lands, with places for physical activity and habitat for people, 450 animal species, and 26 plant communities. If the National Park Service (NPS) expands the boundaries under its Rim of the Valley study, the NRA could have over four times more green space — going a long way to ensuring access for park poor, income poor communities where children of color disproportionately live.

A remarkably diverse and growing alliance of advocates for equal justice, public health, and green space have submitted comments to NPS to diversify access to and support for the expanded NRA.

According to NPS, the expanded NRA would "provide more recreation opportunities and ecological connections with an emphasis on creating better connections for a broad range of urban audiences including many who are under-represented in national parks and underserved by state and local parks." We applaud NPS for this approach.

People of color visit national park land at disproportionately low rates – but not because they do not value the environment and outdoor recreation. People of color care deeply about the natural environment, as shown by election results, polls, and surveys. People of color vote, and they have made the difference in passing park and environmental measures. They are entitled to their fair share of the benefits of environmental projects like this.

The expanded NRA can help get people back to work and strengthen the economy in the worst economic crisis since the Great Depression. Latinos and African Americans have been worst hit by joblessness and drops in wealth. Communities face unemployment levels of over 13%. Local green jobs through diverse training, apprenticeship, and stewardship programs, and partnerships with non-profit advocacy organizations, can help. The boom, not the present slump, is the time for austerity. If you want parks, work for jobs — and justice.

Children of color suffer disproportionately from obesity and diabetes, and are the most at risk for antisocial behavior including gangs, crime, drugs, and violence. “Access to safe, healthy environments for exercise and recreation are crucial for all communities,” according to Scott Chan of the Asian and Pacific Islander (API) Obesity Prevention Alliance. “Seven out of 10 Native Hawaiian/Pacific Islanders are overweight or obese in California (highest of all racial and ethnic groups), followed by nearly 5 out of 10 Pilipinos. APIs had the highest increase in Type 2 diabetes — a 68% increase from 1997-2011. Given these grim statistics, we should be further motivated to increase access to healthy spaces and healthy opportunities whenever and wherever possible.”

Park and health disparities are exacerbated by a lack of transportation. There is no good way to reach the mountains and forests in the Los Angeles region using transit. An expanded recreation area could meet these diverse needs through a fully funded, balanced expansion that includes Transit to Trails, hiking, biking, and camping, as well as active recreation including soccer, baseball and other sports fields, complete green streets with biking trails and safe routes to school, and joint use of parks, schools and pools.

The National Parks Conservation Association (NPCA) urges NPS to "create new and enhanced education, interpretation and collaborative programs that engage Los Angeles' diverse cultures and unique natural environment," according to NPCA's Seth Shteir. NPS should also "expand Transit to Trails and similar community engagement programs to take inner city youth and their families and friends on fun, educational and healthy hiking, biking and camping trips to mountains, rivers, and other natural green spaces for no or low cost."

NPS needs to work with agencies within the NRA so those agencies know their obligations under equal justice laws and principles, and the public receives the benefits to which they are entitled. For example, the California Department of Parks and Recreation consistently refuses to acknowledge that equal protection laws apply to all its programs and projects, maintaining incorrectly that if the specific project is not federally funded, the laws do not apply. And Malibu has long been a hot bed of activism to privatize public beaches and lands. Beaches and the coastal zone must remain public for all.

Celebrating diverse cultural, art, and heritage sites, and Native American sites would benefit all the people. According to Secretary of the Interior Ken Salazar, "Less than 3% of all the national landmarks . . . are designated for women, Latinos, African Americans or other members of minority groups." NPS should conduct a thorough survey of relevant places in and around the expanded NRA to designate monuments that celebrate diversity, democracy, and freedom.

President Obama has designated the Los Angeles and San Gabriel Rivers as national priorities as part of the America's Great Outdoors or urban waters initiatives. The expanded NRA can serve those priorities and the needs of the people by linking green space and cultural sites from the Santa Monica Mountains on the west side to the Angeles Forest on the east. Linking an expanded Santa Monica Mountains NRA and the proposed San Gabriel Mountains and River NRA would help make the classic Olmstedian vision for Parks, Playgrounds and Beaches for the Los Angeles Region.

The people of Los Angeles have the opportunity to work with NPS to expand the Santa Monica Mountains National Recreation Area to make this dream of green justice come true for all our children.

****

The City Project and the following diverse and growing alliance of advocates for equal justice, public health, and green space have submitted comments to NPS to diversify access to and support for the expanded NRA:

Robert Bracamontes, Acjachemen Nation, Juaneño Tribe
Amigos De Los Rios
Anahuak Youth Soccer Association
Asian and Pacific Islander Obesity Prevention Alliance
Asian Pacific Policy & Planning Council
California Black Health Network, Inc.
Concerned Citizens of South Central Los Angeles
Latino Coalition for a Healthy California
National Parks Conservation Association
Santa Clara River Watershed Conservancy Search To Involve Pilipino Americans Sierra Club
Social Justice Consultancy
SPARC (Social & Public Art Resource Center)

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"Steve Yaver, Sierra Club" <membership.services@sierraclub.org>

01/26/2012 08:00 AM

Please respond to "Steve Yaver, Sierra Club" <membership.services@sierraclub.org>

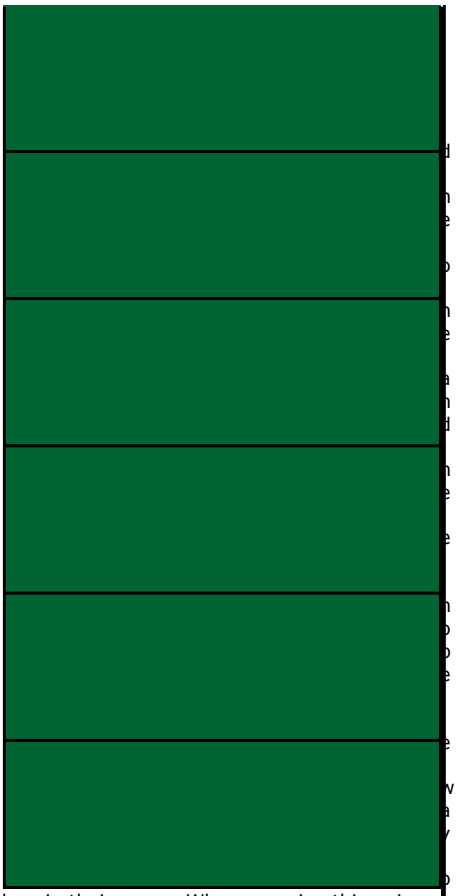
To Gina McCarthy

cc

bcc

Subject A Unique Valentine's Gift They'll be "Wild" About

Sponsor any of our 12 Wild Places:



show your environmentally-conscious loved one you care than to sponsor a wild place in their name. When you give this unique and special gift to that special someone, they get the added satisfaction of knowing that their gift is helping preserve America's wild legacy.

Give a gift you know they will love – Sponsor a Wild Place today!

For as little as $25, choose from these spectacular wild places – and get free shipping to any U.S. location.

Help keep these wild places safe, and support all the critical work the Sierra Club does to protect our environment, **by giving a Wild Place Sponsorship today.**

Your sponsorship gift includes:

- **A super soft Plush animal, a signature Sierra Club rucksack (or both!)**
- **Personalized Certificate of Sponsorship**
- **Beautiful 5x7 full color photograph**
- **A colorful Fact Sheet with fun details about your favorite wild place**

For 120 years, the Sierra Club has been instrumental in protecting our most cherished wild places. From the creation of Yosemite National Park at the urging of John Muir, to the battle to protect the Giant Sequoias, the Sierra Club has been the leading environmental organization in ensuring that these natural treasures are protected for generations to come.

Sponsor a Wild Place today and help keep these treasured places safe!

Sincerely,

Steve Yaver
Director, Sponsor a Wild Place Program

P.S. **Order your gifts by February 2nd to ensure delivery by Valentine's Day.**

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error or do not wish to receive future emails like this, use **this link** to be removed from this type of email contact.

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"Steve Yaver, Sierra Club" <membership.services@sierraclub.org>

02/02/2012 08:00 AM

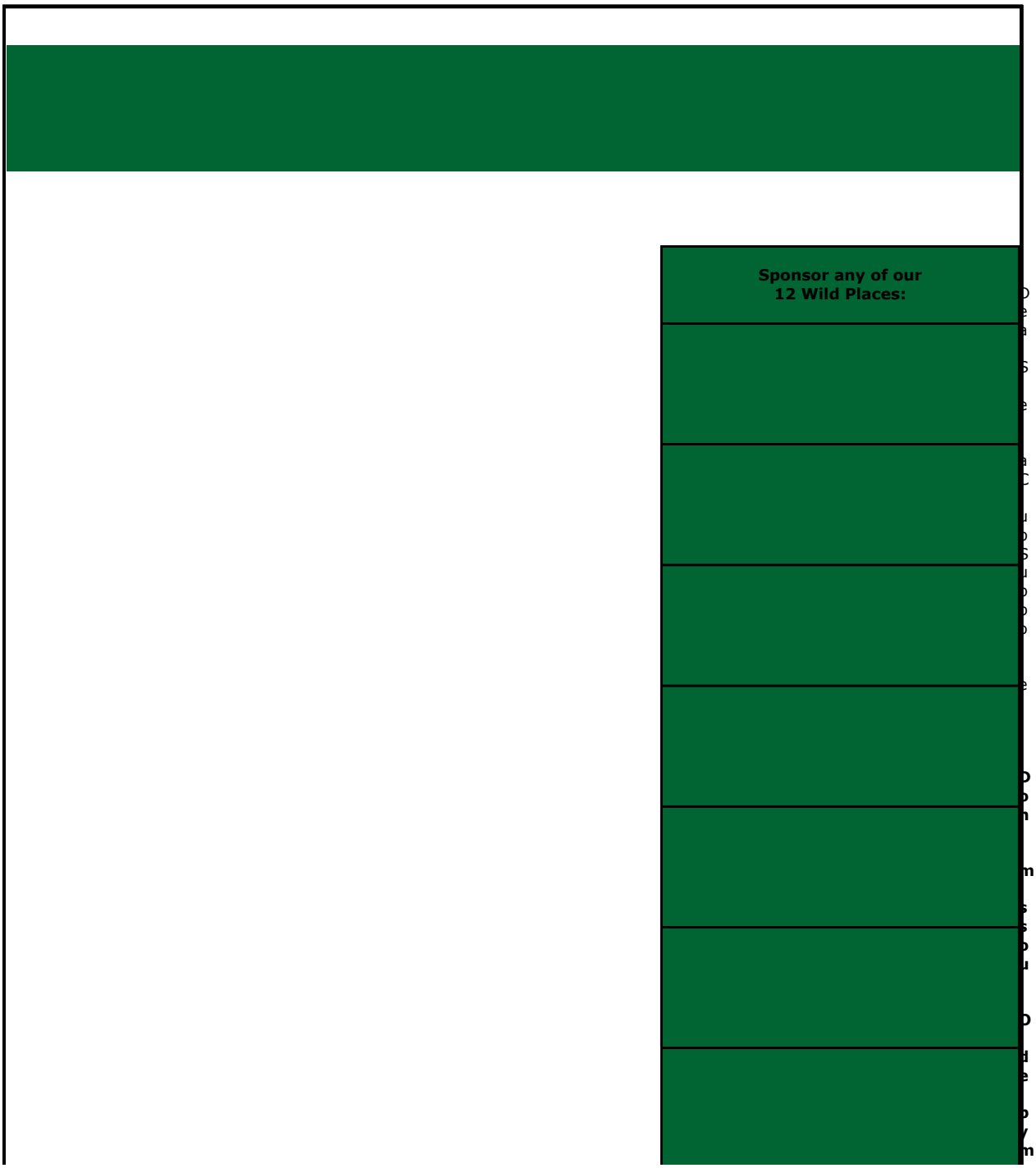
Please respond to "Steve Yaver, Sierra Club" <membership.services@sierraclub.org>

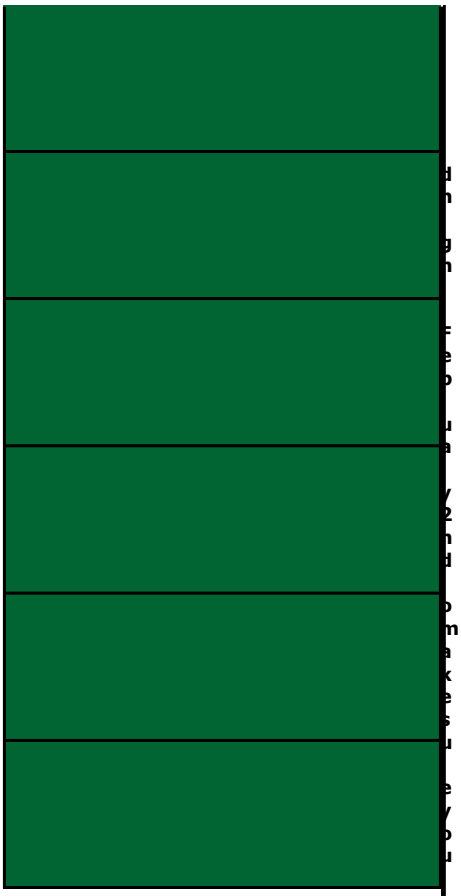
To Gina McCarthy

cc

bcc

Subject Last Chance for Free Shipping for Valentine's Day - Order by 11:59 PM PT





gift is delivered in time for Valentine's Day!

Give the gift that gives twice! Sponsoring a wild place not only provides a unique and meaningful gift for your special Valentine, but gives you the satisfaction of knowing you are helping preserve America's wild legacy.

Give a sponsorship of your special wild place for as little as $25 – and get free shipping to any U.S. location.

You can also choose our express shipping option and your gift will be delivered in 3-5 business days.

Your special sponsorship gift includes:

- A soft plush animal, a signature Sierra Club rucksack (or both!)
- Personalized Certificate of Sponsorship
- Beautiful 5x7 full color photograph of your chosen wild place
- A colorful Fact Sheet with fun details about the wildlife that live there

Give a gift they will love – Sponsor a Wild Place today!

This year, the Sierra Club will celebrate 120 years of protecting our most cherished wild places. Help us work to continue to protect these special places as we fight to keep our air and water clean and promote a clean energy future.

What better way to **show your environmentally-conscious sweetie you care than to sponsor a wild place in their name.**

Help protect these magnificent wild places and the wildlife that call them home, and support all the critical work the Sierra Club does to protect our environment - **give a Wild Places Sponsorship today!**

Sincerely,

Steve Yaver
Director, Sponsor a Wild Place Program

P.S. **There is less than 24 hours left to get FREE SHIPPING and make sure your gifts arrive by Valentine's Day.**

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"Steve Yaver, Sierra Club" <membership.services@sierraclub.org>

02/09/2012 08:00 AM

Please respond to "Steve Yaver, Sierra Club" <membership.services@sierraclub.org>

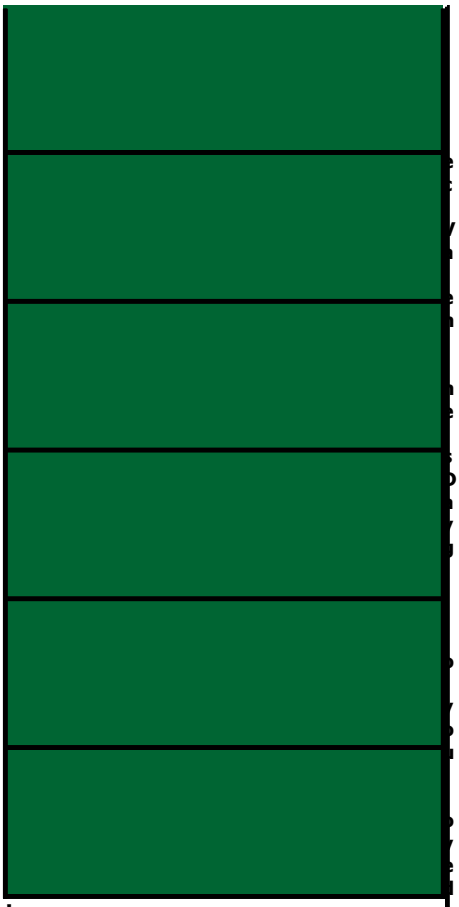
To Gina McCarthy

cc

bcc

Subject Show Your Valentine Your "Wild" Side

Sponsor any of our 12 Wild Places:



one? Give the greenest gift of all: a downloadable Wild Place Sponsorship!

When your order a virtual sponsorship, you are helping preserve America's wild legacy and giving an eco-friendly gift at the same time.

From the Arctic National Wildlife Refuge in Alaska to Everglades National Park in Florida, you can choose to sponsor any of our 12 Wild Places starting at $20.

There's no need to worry about a gift arriving in time - each virtual sponsorship downloads in just minutes and comes with these great items:

- Letter of recognition
- Certificate of sponsorship
- Fact sheet containing fun facts about your special place
- Colorful 5x7 picture of your wild place
- Personalized e-Card

Give the gift that gives back - Give a virtual Wild Place Sponsorship today!

For over 120 years, the Sierra Club has been protecting our precious wild lands and wildlife. Help us ensure these magnificent wild places are preserved for future generations to enjoy.

Give a valentine they'll love and help Sierra Club protect the planet at the same time - **download your virtual Wild Place Sponsorship today!**

Happy Valentine's Day!

Sincerely,

Steve Yaver
Director, Sponsor a Wild Place Program

P.S. **Only 5 days left until Valentine's Day – Show your loved one you care with a Virtual Wild Place Sponsorship**

from the Sierra Club!

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"Terry McGuire" <terry.mcguire@sierraclub.org>

10/02/2012 02:36 PM

Please respond to Terry McGuire <Terry.McGuire@sierraclub.org>

To Gina McCarthy

cc

bcc

Subject Accepted: Meeting with Sierra Club, EDF, and NRDC

"Terry McGuire" <terry.mcguire@sierraclub.org>

10/10/2012 12:58 PM

Please respond to Terry McGuire <Terry.McGuire@sierraclub.org>

To Gina McCarthy

cc

bcc

Subject Accepted: Meeting with Sierra Club, EDF, and NRDC

From: Terry McGuire
To: Gina McCarthy/DC/USEPA/US; Terry McGuire
Subject: Meeting with Sierra Club, EDF, and NRDC

Directions and procedures: If you come by Metro the Federal Triangle metro stop is directly below the building entrances. You would leave the metro station and go up all three sets of escalators and turn right. You will see a set of stairs and glass Doors with EPA Signified on Glass. That is Ariel Rios North.

If you are coming by taxi, you would want to be dropped off on 12th NW, between Constitution Ave and Pennsylvania Ave. It is almost exactly half way between the two avenues on 12th. From 12th Street, facing the building with the EPA and American flags, walk toward the building and take the glass door on your right hand side with the escalators going down to the metro on your left. This again will be the North Lobby of the Ariel Rios bldg.

Upon entering the lobby, the meeting attendees will be asked to pass through security and provide a photo ID for entrance. Let the guards know that you were instructed to call 202-564-7400. If you are travelling in a large group, you may want to arrive 10-15 minutes early in order to be on time for the meeting.

From: Terry McGuire <terry.mcguire@sierraclub.org>
To: OAR Invitations@EPA
Date: 09/24/2012 03:56 PM
Subject: Requesting a Meeting with Assistant Administrator McCarthy re: Docket No. EPA-HQ-OAR-2007-0492

Good afternoon,

On behalf of the Sierra Club, the Environmental Defense Fund, and the Natural Resources Defense Council, I would like to request a meeting with Assistant Administrator McCarthy to discuss the proposed updates to the National Ambient Air Quality Standards for Particulate Matter - Docket No. EPA-HQ-OAR-2007-0492. Except for October 4, 5 and 11, our organizations would be able to send representatives any of the other days in the first two weeks of October.

I hope something in that window works for Assistant Administrator McCarthy, and please let me know if you have any questions about our request.

Thank you,

--
Terry McGuire
Associate Washington Representative
Sierra Club
202-495-3045

"Therese Langer"
<tlanger@aceee.org>
07/21/2011 06:09 PM

To Gina McCarthy
cc amcconville, "Ann Mesnikoff"
bcc
Subject EVs in 2017-2025 LD rule

Dear Gina:

Following up on yesterday's meeting, attached is a memo from ACEEE and Sierra Club recommending a cap of at most 2 million EVs to receive zero-upstream emissions credit.

Therese Langer
Transportation Program Director
American Council for an Energy-Efficient Economy
529 14th St. NW, Suite 600
Washington, DC 20045
(202)507-4000
(202)429-2248 (fax)
tlanger@aceee.org

To: Gina McCarthy
From: Therese Langer (ACEEE) and Ann Mesnikoff (Sierra Club)
Date: July 21, 2011
Re: Capping EVs granted zero-emissions treatment in the 2017-2025 LD vehicle rule

Both to maximize benefits of the LD vehicle rule and to help put plug-in vehicles on a sound environmental footing, it is important that their treatment under the LD GHG rule be based on emissions performance. *If the vehicle standards program provides an incentive for early EV production by treating a certain number of EVs as zero-emissions vehicles after 2016, we recommend that the 2017-2025 rule set an industry-wide, cumulative cap of no more than 2 million vehicles that can receive this incentive.*

Background

Treating plug-ins as zero-emissions vehicles allows unearned increases in emissions from gasoline vehicles, thereby undercutting the GHG reductions achieved by the rule. The greater the market share of EVs under this policy, the greater the loss in GHG reductions from the standard, as shown below ("Loss of Emissions Reductions"). Most importantly, if an open-ended zero-upstream treatment is adopted in this rule, the emissions penalty will be high as EV penetration increases beyond 2025. This policy would also likely reduce the quality of EVs, because high EV efficiency would not be rewarded through the standards.

We support the use of tax incentives, manufacturing loans, and other policies to accelerate the market penetration of EVs. We also support exploration of ways to account for EV upstream emissions that reflect considerations such as geographic, temporal, and marginal variations in generation mix; distributed generation using renewables; power sector policies to reduce utility emissions; and any other refinements appropriate to a performance-based protocol. If the rule is used to provide non-performance-based production incentives for EVs, it should also establish a clear endpoint for those incentives to avoid setting a precedent that will be hard to reverse once EVs have achieved significant market penetration.

The 2012-2016 rule caps at 200,000 or 300,000 the number of EVs per manufacturer that will be treated as zero-emissions vehicles. Transitioning from those caps to an industry-wide, cumulative cap of 2 million vehicles would best address the perceived need for a production incentive in the rule.

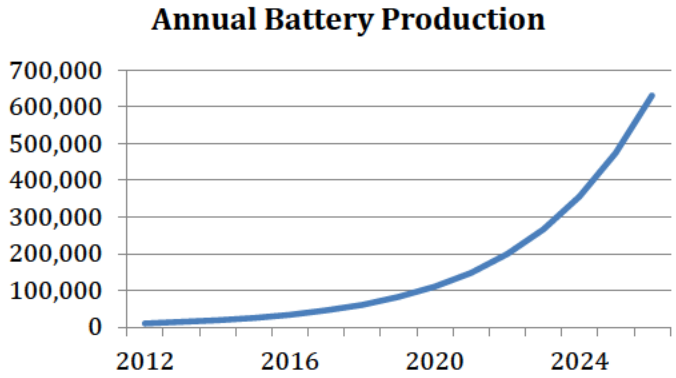
Rationale

The NOI TAR analysis of technology scenarios references battery manufacturing costs of $190/kWh in 2020 and $152/kWh in 2025, at volumes of 100,000 and 500,000, respectively, in those years. This 2025 cost is well below the $250 per kWh cited by DOE that "must be met for widespread deployment of EVs".[1] EPA and

[1] DOE, "Batteries for electrical energy storage in transportation" (BEEST) Funding Opportunity Number: DE-FOA-0000207. Revised 3/1/2010.

NHTSA also note that, in the early years of battery production, cost reductions will be based on "volume-based learning", which is driven by cumulative volumes of batteries manufactured.

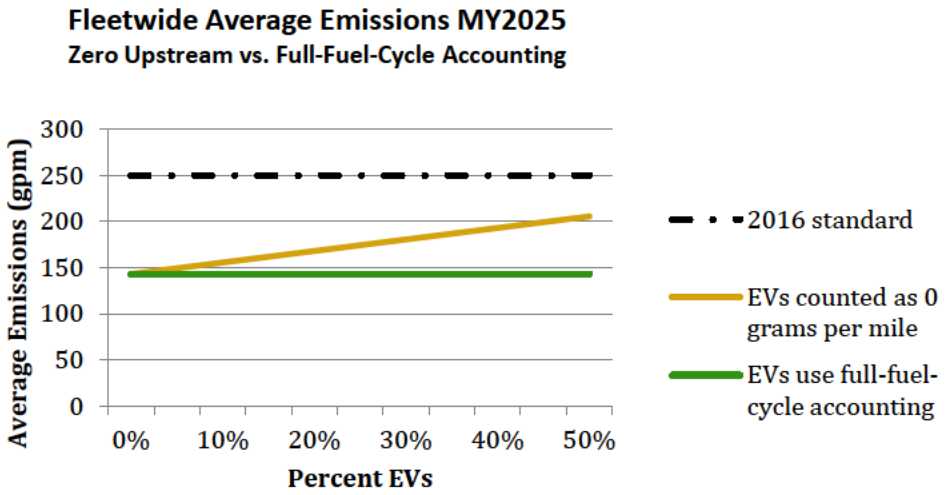
The figure below shows a trajectory of battery production that follows the early years of a typical "S-curve" for the ramp-up of a new technology and meets the agencies' 2020 and 2025 production figures cited above.



With this trajectory, cumulative production reaches 1.8 million vehicles in 2025, when the cost target is reached. This is the basis for our recommendation of a cumulative, industry-wide cap of no more than 2 million EV sales, beyond which EV emissions accounting would reflect the emissions associated with electricity generation, transmission and distribution.

Loss of Emissions Reductions

With zero upstream accounting, fleetwide average GHG levels for a given standard increase with EV penetration, as shown in the graph below. The standard for 2025 is shown in green. Actual average emissions level achieved is shown in yellow.



"Tom Smitty Smith"
<SMITTY@citizen.org>

08/30/2010 07:09 PM

To Adam Kushner, Janet McCabe, Gina McCarthy, Lawrence Starfield

cc

bcc

Subject Request for Investigation and Enforcement Action by Public Citizen, Sierra Club, et.al.

FYI: Please find attached "Request for Investigation and Enforcement Action With Respect To Licensing and Operation of WCS Low Level Radioactive Waste Storage and Disposal Facilities in Texas and Other Radioactive and Hazardous Waste Storage and Disposal Facilities at the Site" that was sent to Carrie Brown wtih the U.S. Nuclear Regulatory Commission and Dr. Al Armendariz, Regional Administrator, Region 6 U.S. Environmental Protection Agency on August 10, 2010. Supporting documents can be found at http://texasnuclearsafety.org/investigation-of-wcs-radioactive-waste-dump-urged/.

Smitty@Citizen.org
512-477-1155
cell 512-797-8468
1303 San Antonio St

Austin, Texas 78701

Request for Investigation 08-10-2010.pdf

Tom Smitty Smith.vcf

"Tom Smitty Smith" <smitty@citizen.org>
08/11/2010 10:38 AM

To armandarez.al, Kishor Fruitwala, David Gray, Adam Kushner, Janet McCabe, Gina McCarthy, Gary Miller, Lawrence Starfield, Carl Edlund
cc
bcc
Subject Request for an investigation of the WCS radioactive and hazardous waste site in Texas

Public Citizen and the Lone Star Chapter of Sierra club would like to request an investigation by the U.S. Environmental Protection Agency (EPA) and the NRC of the radioactive waste storage and disposal programs administered by the Texas Commission on Environmental Quality (TCEQ) for the West Texas radioactive waste site owned by Waste Control Specialists (WCS). We believe TCEQ has failed to protect public health, safety and the environment by repeatedly and brazenly abusing its legal authority and disregarding warnings of its technical staff about the site's hazards. Further, citizens have not had adequate opportunities to participate in the licensing processes.

We are calling on the NRC to consider terminating or suspending the TCEQ's authority to regulate the storage and disposal of low-level radioactive waste and radioactive byproducts in Texas. We are also are asking the EPA to review the potential impact on the water supply and take action if necessary.

Read the press release, the request to NRC and EPA, and supporting documents online at < http://www.TexasNuclearSafety.org <http://www.TexasNuclearSafety.org> > . The request was filed by Public Citizen and the Lone Star Chapter of the Sierra Club, along with State Representative Lon Burnam (Texas House District 90), and individuals from Andrews, Texas and Eunice, New Mexico, who live near the WCS facility in Andrews County. The matter is urgent because WCS has been pushing the Texas Low Level Radioactive Waste Disposal Compact Commission to let it import radioactive waste from at least 36 other states.

If you have questions, please contact
Tom "Smitty" Smith 512-477-1155 or Smitty@citizen.org
Cyrus Reed 512-477-1729 or Cyrus.reed@sierraclub.org
Karen Hadden -512-797-8481 or karen@seedcoaltion.org

Smitty@Citizen.org
512-477-1155
cell 512-797-8468
1303 San Antonio St
Austin, Texas 78701

August 10, 2010

Carrie Brown
Allegation Coordinator, Intergovernmental Liaison Branch
U.S. Nuclear Regulatory Commission
Mail Stop T8F-42
Washington, DC 20555-0001

Dr. Al Armendariz
Regional Administrator, Region 6
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

SUBJECT: *Request for Investigation and Enforcement Action With Respect To Licensing and Operation of WCS Low Level Radioactive Waste Storage and Disposal Facilities in Texas and Other Radioactive and Hazardous Waste Storage and Disposal Facilities at the Site*

Dear Ms. Brown and Dr. Armendariz:

On behalf of Public Citizen, the Lone Star Chapter of the Sierra Club (collectively, "Concerned Organizations"); The Honorable Lon Burnam, Member, Texas State Representative for Texas House District 90, Peggy and Melodye Pryor, residents of Andrews, Texas, and Rose Gardner of Eunice, New Mexico (collectively, "Concerned Citizens"), we are writing to request that you investigate illegal and improper actions by the Texas Commission on Environmental Quality (TCEQ) in licensing and supervising Waste Control Specialists, Inc.'s (WCS) operation of by-product radioactive material and low-level radioactive waste (LLRW) storage and disposal facilities in Andrews, Texas.

A review of the facts will demonstrate that the radioactive storage and disposal programs as administrated by the TCEQ are inadequate to protect public health and the environment and incompatible with NRC standards, thus warranting an investigation. Specifically, we are concerned that TCEQ has repeatedly and brazenly abused the legal authority delegated to it by the U.S. Nuclear Regulatory Commission (NRC) under the Atomic Energy Act and has failed to protect public health and safety and the environment in licensing and overseeing the operation of WCS' LLRW and byproduct material storage and disposal facilities in Andrews County. As discussed below, in licensing new facilities for the disposal of LLRW and byproduct material, TCEQ has blatantly disregarded the warnings of its technical staff regarding the environmental and public health hazards of the proposed facilities. TCEQ staff members have left the agency as a result of their warnings going unheeded. Moreover, TCEQ has completely barred the affected public from participating in its decision-making process, arbitrarily refusing to grant detailed and well-documented hearing requests on WCS' license applications for by-product and LLRW disposal facilities. Finally, the integrity of TCEQ's entire program has been thrown into question by the favoritism shown by TCEQ to WCS and the appearance of impropriety by at least one

high-level TCEQ official who took a position with WCS shortly after recommending that WCS's applications for disposal licenses be granted.

As a result of TCEQ's unwillingness to effectively regulate and enforce WCS permits, the public no longer has a basis for any confidence in TCEQ's commitment and competence to protect public health and safety and the environment in licensing and overseeing by-product materials and LLRW storage and disposal facilities in Texas. We are particularly concerned that the unsafe operation of WCS' facilities threatens several water tables and may threaten the integrity of the Ogallala aquifer, which may lie under or in very close proximity to the WCS site, and whose presence the TCEQ has effectively ignored.

Despite TCEQ's flagrant and repeated disregard for the law, neither the Attorney General nor the legislature has taken any steps to correct it. Therefore we seek action by the NRC and the U.S. Environmental Protection Agency (EPA). As the agency responsible for delegation of regulatory authority to the TCEQ, the NRC should exercise its authority under Section 274(j) of the Atomic Energy Act (42 U.S.C. 2021(j)) to investigate whether it is appropriate to terminate or suspend TCEQ's authority to regulate the storage and disposal of by-product and LLRW in Texas. We also ask the EPA to participate in the investigation because of the profound significance of TCEQ's improper actions with respect to the health and integrity of the Ogallala Aquifer, a national invaluable and irreplaceable economic and environmental water resource, and other aquifers.

BACKGROUND

WCS Licenses and Facilities

WCS holds licenses for several radioactive waste disposal facilities at the Andrews County site.

Compact LLRW Disposal Facility. Under TCEQ License R04100,[1] finalized in September 2009, WCS is authorized to dispose of LLRW originating from the states of Texas and Vermont, in accordance with the Texas Low-Level Radioactive Waste Disposal Compact. WCS has not yet built this facility because of license deficiencies identified by TCEQ in a May 3, 2010 "Technical Notice of Deficiency Comments for Application for Minor Amendment of Radioactive Material License No. R04100." WCS hopes to expand the scope of its license for this facility to allow it to accept LLRW from states outside the Texas-Vermont compact.

Federal LLRW Disposal Facility. License R04100[2] also authorizes WCS to dispose of LLRW that is the responsibility of the federal government under the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985. Like the Compact LLRW Disposal Facility, the Federal LLRW Disposal Facility remains unbuilt

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1 TCEQ License R04100 - http://www12.tceq.state.tx.us/crpub/index.cfm?fuseaction=iwr.viewdocument&doc_name=License R04100.pdfpdf&doc_id=852300812009260&format_cd=pdf

2 IBID

pending resolution of the issues raised in TCEQ's May 3, 2010, Technical Notice of Deficiency associated with the amendment which was filed due to new geology studies of the site[3].

Byproduct Material Disposal Facility. License R05807[4], issued on May 29, 2008, authorizes WCS to dispose of byproduct material. The byproduct dump is operating and has accepted 3667 barrels of highly radioactive K-65 Fernald weapons waste for disposal.

Radioactive Waste Treatment, Processing & Storage License. License #R04971[5], recently requested to amend on March 5, 2010, will allowed WCS to store two waste streams: LLRW from Studsvik, a Swedish-owned company that processes radioactive waste from nuclear reactors in Tennessee and byproduct waste from Fernald, Ohio, where uranium was processed for nuclear weapons. The license strictly limits storage of LLRW and byproduct materials to 365 days.

Other WCS Licenses. WCS also holds permits for treatment, storage, and disposal of hazardous and non-hazardous industrial waste (over 2,000 RCRA waste codes) with a RCRA part B equivalent permit to receive ignitable, corrosive, toxic and selective hazardous wastes. WCS is also permitted for treatment, storage, and land disposal of PCBs and PCB contaminated material and receipt of hazardous substances, pollutants or contaminants from CERCLA (Superfund) sites.[6 and 7]

A factsheet with photos of the WCS site and key information for each of the radioactive waste facilities is online at www.TexasNuclearSafety.org. We will refer to the waste disposal facilities as "dumps" because they involve underground burial of the wastes. We will also use quotes around the term "low-level" because we believe the term is misleading in that there is no radionuclide that cannot go to a "low-level" radioactive waste dump and many of the radioactive materials that can go to a "low-level" site are long-lived and hazardous to health. "Low-level" cannot be equated with low risk.

Procedural History

TCEQ denies requests for public participation in licensing decisions. In 2007, the TCEQ published notice of an opportunity to request a hearing on the licensing of the Byproduct Material Disposal Facility, and in 2008 published a separate notice of an opportunity to request a hearing on the licensing of the Compact LLRW Disposal Facility and the Federal LLWR Disposal Facility. In both cases, the Lone Star Chapter of the Sierra Club submitted detailed hearing requests raising significant environmental and public health concerns about the proposed

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3 TLLRWD Compact Commission June 12, 2010 meeting – audio recording of the meeting from 40:30 to 42:31 minutes. http://www.tllrwdcc.org/information html

4 TCEQ License R05807: http://www.tceq.state.tx.us/assets/public/permitting/waste/rad/byproducts/final_license.pdf

5 TCEQ License R04971: http://www12.tceq.state.tx.us/crpub/index.cfm?fuseaction=iwr.viewdocument&doc_name=License R04971.pdfpdf&doc_id=477333582010070&format_cd=pdf

6 TCEQ Central Registry Query: http://www12.tceq.state.tx.us/crpub/index.cfm?fuseaction=regent.showSingleRE&reg_ent_id=596750392002075

7 WCS Licenses & Permits: http://www.wcstexas.com/cap_licenses_permits html

facilities.[8] Sierra Club's hearing request on the licensing of the LLRW Disposal Facilities was supported by affidavits from three experienced experts who buttressed Sierra Club's statements of technical concern. [9, 10 and 11]

In each of the licensing cases, two of the three TCEQ Commissioners denied Sierra Club's hearing request and granted the application with no opportunity for the Sierra Club, its lawyer, or its members living near the proposed facilities to address the Commission, claiming that Sierra Club failed to show actual injury or damage.[12] and [13] Former TCEQ Commissioner Larry Soward voted against granting the byproduct material disposal license and denying the Sierra Club's request for a contested case hearing. In the low-level case, Commissioner Soward refused to vote, citing the failure of WCS to obtain all property and mineral interests in the site, as required by Texas statutes.[14] and [15]

TCEQ overrules Sierra Club's Motion for Rehearing. In the cases of both the LLRW Disposal License and Byproduct Materials Disposal License, the Sierra Club asked the Commission to reconsider its decision and overturn the granting of the licenses. In both cases, the TCEQ failed to take action, meaning the motions for rehearing were considered overruled and the original decisions to grant the licenses stood.

Sierra Club appeals TCEQ's decisions. Finally, following TCEQ's denial of Sierra Club's request for a hearing on the licenses and its decisions to grant the licenses, Sierra Club appealed TCEQ's decisions to State District Court in Travis County.[16] The appeals of the two disposal licenses remain pending.

Inaction by Other State Agencies and Legislature. Despite the issuance of two licenses to WCS by TCEQ and the denial of Sierra Club's request for a contested case hearing, neither the Legislature nor Attorney General has taken any action to investigate the process by which WCS obtained its license, nor initiated any action to ensure that the WCS abides by its permit conditions. In fact, the only action taken by the Attorney General has been to confirm the

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8 Letter to TCEQ Chief Clerk from Sierra Club requesting a contested case hearing, Sep 16, 2007.

9 Affidavit of George Rice, hydrologist, January 10, 2009.

10 Affidavit of Diane D'Arrigo, Radioactive Waste Project Director at Nuclear Information and Resource Service, January 7, 2009.

11 Affidavit of Marvin Resnikoff, Senor Associate at Radioactive Waste Management Associates., January 12, 2009.

12 TCEQ Commissioners Marked up Agenda - Jan 14, 2009, pg. 2 http://www.tceq.state.tx.us/assets/public/comm_exec/agendas/comm/marked/2009/090114 mrk.pdf

13 Webcast of January 12, 2009 TCEQ Commissioner's Meeting: http://www.texasadmin.com/cgi-bin/tceq_view.cgi?smil=TCEQ_OM011409&part=3, minutes 2-5

14 TCEQ Commissioners Marked up Agenda - Jan 14, 2009, pg. 2 http://www.tceq.state.tx.us/assets/public/comm_exec/agendas/comm/marked/2009/090114 mrk.pdf.

15 Webcast of January 12, 2009 TCEQ Commissioner's Meeting: http://www.texasadmin.com/cgi-bin/tceq_view.cgi?smil=TCEQ_OM011409&part=3, minutes 2-5

16 Filings in State of Texas District Courts: 201st district court, cause number D-1-G009-000660, 98th district court, cause number D-1-GN-09-000894, 200th district court, cause number D-1-GN-09-003492, 261st district court, cause number D-1-GN--09-004

eminent domain power of WCS to take over any remaining mineral rights surrounding the property and to represent the state in the appeals brought by Sierra Club in State District Court.

DISCUSSION

As discussed below, we believe the TCEQ has engaged in favoritism and improper revolving door policies, licensing and enforcement irregularities, and blatant disregard for the professional opinions of its own technical staff. On a whole host of issues, the licensing of new LLRW and Byproduct Material disposal facilities at the Andrews site is unsupported and even contradicted by the technical record.[17]. This includes the TCEQ's gross negligence in disregarding the significance of the proximity of the Ogallala Aquifer to the site. Therefore we ask you to conduct an investigation into the following issues, for purposes of determining whether Texas' authority to regulate LLRW as an Agreement State should be modified or revoked, or whether the federal government should take other action to protect public health and safety and the environment from mismanagement by the TCEQ.

Our concerns are as follows:

1) In licensing disposal facilities TCEQ ignored technical staff concerning risks of radioactive contamination of aquifers.

In licensing the By-Product Material Disposal Facility and the Compact and Federal LLRW Disposal Facilities, the former TCEQ executive director, Glenn Shankle, overruled the recommendations of his technical staff and recommended that the Commissioners grant WCS a "low-level" radioactive waste disposal license and a radioactive byproduct disposal license. Among the concerns voiced by TCEQ technical staff were unresolved hydrogeologic uncertainties and risks of contamination of aquifers. Several staff members resigned their positions at TCEQ in protest of the issuance of one or another of WCS's licenses, as more fully explained below.[18]

A. Background on the Ogallala Aquifer and its Location. The WCS site is located one mile north of Texas Highway 176, east of Eunice, New Mexico, and just east of the Texas/New Mexico border, where Lea and Andrews Counties meet. Site coordinates are given in the low-level license application as N. Latitude 32 Degrees, 26", 27.4" and W. Longitude 103 Degrees, 03', 22.7".

The Ogallala Aquifer, also known as the High Plains Aquifer, is one of the world's largest aquifers, covering an area of approximately 174,000 mi² in portions of the eight states of South Dakota, Nebraska, Wyoming, Colorado, Kansas, Oklahoma, New Mexico, and Texas. According to the USGS:

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[17] TCEQ Interoffice Memo to Susan Jablonski, Director, Radioactive Materials Division from TCEQ RML Team regarding Groundwater intrusion into proposed LLRW facility, August 14, 2007.

[18] Texas Observer, "Good to Glow" by Forrest Wilder, Thursday, April 03, 2008

> About 27 percent of the irrigated land in the United States overlies this aquifer system, which yields about 30 percent of the nation's ground water used for irrigation. In addition, the aquifer system provides drinking water to 82 percent of the people who live within the aquifer boundary …. Almost 2 million people rely on the High Plains aquifer for their drinking water. Surface water is used for drinking water primarily in the larger cities near the periphery of the High Plains aquifer (Cheyenne, Wyoming, and Lubbock, Odessa, and Amarillo, Texas). Other uses of ground water include livestock (222 Mgal/day), mining (210 Mgal/day), and industry (155 Mgal/day). [19]

The aquifer provides water used to grow "about 19 percent of the wheat, 19 percent of the cotton, 15 percent of the corn, and 3 percent of the sorghum," as well as "nearly 18 percent of the cattle" produced in the United States.[20]

WCS insists that its site "is not over the aquifer and poses no danger to drinking water (and is suing[21] the man behind the website savetheogalla.com, which says that the Ogallala is 'underneath and/or precariously close to' the dump)," according to the Texas Tribune's Kate Galbraith in a July 14, 2010 article.[22]

But, EPA's David Barry, who works in the Region 6 Press Office, has publicly stated, "Yes, the [WCS hazardous waste] facility does sit above the Ogallala aquifer. It sits on the southern end of the aquifer."[23] The hazardous waste facility sits on the same site as the By-product disposal facility and the proposed LLRW disposal facility.

A map from the Texas Geological Atlas, produced by the Bureau of Economic Geology,[24] shows the Ogallala Aquifer in a brownish color and labeled as "To." From this map it appears that the WCS site sits atop the Ogallala Aquifer. A Google Earth map showing the WCS site is available for comparison.[25]

B. Changing Aquifer Maps. Long-standing and widely accepted Texas Water Development Board (TWDB) maps of Major Aquifers of Texas show the Ogallala Aquifer in the area where WCS is located. For example, the map from 1994 shows a blue section where the Ogallala Aquifer lies and the WCS site is clearly within its boundaries.

If this map is compared with the TWDB map from 2006, a significant change in the aquifer boundaries is apparent in Andrews County, so that the Ogallala Aquifer no longer appears to be

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19 United States Geological Survey website see "High Plains Regional Groundwater Study" factsheet at http://co.water.usgs.gov/nawqa/hpgw/factsheets/DENNEHYFS1.html, pg 14

20 IBID.

21 WCS Press Release "WCS Files Lawsuit Against New Mexico Attorney in Andrews," July 2009. http://www.texassolution.com/documents/greenwood.pdf

22 http://www.texastribune.org/texas-environmental-news/water-supply/how-bad-is-the-ogallala-aquifers-decline-in-texas)

23 "News Channel 11 investigates: Toxic Waste Coming to West Texas – Part 1"; www.kcbd.com/Global/story.asp?S=10259021, April 27, 2009

24 Texas Geological Atlas map, produced by Bureau of Economic Geology. http://www.twdb.state.tx.us/GwRD/GTA/GAT/hobbs htm

25 http://maps.google.com/maps?hl=en&ie=UTF8&ll=32.439815,-103.024979&spn=0.084752,0.132008&t=h&z=13.

under the location of the WCS site.[26] Boundaries of other parts of the Aquifer do not appear to have changed in a significant way.

At the December 11, 2009 Low-Level Radioactive Waste Compact Commission meeting, WCS President Rod Baltzer stated, "The Texas State Water Development Board modified their maps based on a lot of the drilling data (from WCS) to show that we are not over the Ogallala Aquifer."[27]

C. Hydraulic Conductivity. It matters what formation is beneath the site, or in close proximity, because different formations have different hydraulic conductivity. WCS claims that water movement at its site would be slow,[28] but would this still be considered accurate if the Ogallala is actually under the site or nearby? A USGS report on the Ogallala New Mexico and neighboring states says:

> Hydraulic conductivity is a measure of the ease with which sediments can transmit water. The average hydraulic conductivity of the High Plains aquifer in Colorado and New Mexico is about 60 feet per day and ranges from less than 1 to more than 100 feet per day. Differences in hydraulic conductivity are the result of differences in the particle size, shape, sorting, and cementation of the aquifer materials.[29]

D. Groundwater Levels and Recharge. While water levels may be decreasing in some areas, at least one source finds that there were increases in Ogallala Aquifer water levels at some locations between 1990 and 2000, some of which appear to be very near the WCS site.[30]

Future groundwater levels are expected to increase. The TCEQ geologists and engineers that reviewed WCS's application for the LLRW disposal facility similarly concluded, in an August 14, 2007 interoffice memorandum to their Division Director: "Analysis of available data shows that groundwater in the natural system already is unacceptably at or near the boundaries of the proposed disposal units. Predicted increases in rainfall are expected to drive the water tables into the proposed units. These conditions fail to meet the requirements of 30 TAC §336.728(f)."[31]

Whether the Ogallala aquifer is or is not present beneath the site may also matter in terms of recharge features. A TWDB Report states the following in a section about the Ogallala Aquifer;

> Recharge to the Ogallala occurs principally by infiltration of precipitation on the surface

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[26] See http://texasnuclearsafety.org/aquifer-maps

[27] http://www.vimeo.com/8998939 , Video # 18. 12-11-09, 36:00 minutes into the video produced by the SEED Coalition

[28] WCS Geology Presentation" Under June 12, 2010 meeting at http://www.tllrwdcc.org/information html , page 12

[29] United States Geological Survey, *GROUND WATER ATLAS of the UNITED STATES Arizona, Colorado, New Mexico, Utah, HA 730-C. - http://pubs.usgs.gov/ha/ha730/ch_c/C-text5.html*

[30] Texas Water Development Board Report 345, Aquifers of Texas by John B. Ashworth, Geologist and Janie Hopkins, Geologist November 1995, page 9, 207. http://www.twdb.state.tx.us/publications/reports/GroundWaterReports/GWReports/Individual%20Report%20htm%20files/Report%20345 htm

[31] TCEQ Interoffice Memorandum regarding Groundwater intrusion into proposed LLRW facility, August 14, 2007

> and, to a lesser extent, by upward leakage from underlying formations. Only about one inch of the precipitation actually reaches the water table annually because rainfall is minimal, the evaporation rate is high, and the infiltration rate is slow. The highest recharge infiltration rates occur in areas overlain by sandy soils and in playa-lake basins.
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> Since the expansion of irrigated agriculture in the mid-1940s, greater amounts of water have been pumped from the aquifer than have been recharged. As a result, some areas have experienced water-level declines in excess of 100 feet from predevelopment to 1990. Reduced pumpage in some areas of the High Plains has resulted in a reduction in the rate of water-level decline.[32]

By contrast, WCS has asserted that little water would travel vertically downward without addressing the strong possibility that during the expected life of the waste water may well up as water tables recover to higher levels.[33]

An aquifer is not simply water. Under EPA regs, "Aquifer means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring".[34]

Under TCEQ regulations, aquifer has pretty much the same definition: "A geological formation, group of formations, or portion of a formation capable of yielding significant quantities of groundwater to wells or springs."[35]

In addition, Britannica Concise Encyclopedia defines "aquifer" as follows:

> In hydrology, a rock layer or sequence that contains water and releases it in appreciable amounts. The rocks contain water-filled pores that, when connected, allow water to flow through their matrix. A confined aquifer is overlain by a rock layer that does not transmit water in any appreciable amount or that is impermeable. There probably are few truly confined aquifers. In an unconfined aquifer the upper surface (water table) is open to the atmosphere through permeable overlying material. An aquifer also may be called a water-bearing stratum, lens, or zone.[36]

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[32] Texas Water Development Board *Report 345 - Aquifers of Texas,* by John B. Ashworth *and* Janie Hopkins*,* Geologists*,* November 1995, Section on Ogallala Aquifer, page 11 (http://www.twdb.state.tx.us/publications/reports/GroundWaterReports/GWReports/R345%20Aquifers%20of%20Texas/R345Complete.pdf)

[33] WCS Geology Presentation" to Texas Low-Level Radioactive Waste Compact Commission, June 12, 2010 , http://www.tllrwdcc.org/information html , page 10 -12

[34] Code of Federal Regulations Title 40, Chapter 1, Subchapter 1, Part 270.2 - EPA Definition of Aquifer, December 2005, page 1 (http://cfr.vlex.com/vid/270-2-definitions-19820161)

[35] 30 Tex. Admin. Code § 335.1-Definitions (http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=335&rl=1)

[36] http://www.answers.com/topic/aquifer

While water levels may increase or decrease over time with agricultural pumping and changes in precipitation, we have seen no evidence that the rock layers that constitute the local aquifers are changing, with the possible exception of locations where construction has occurred.

Recent experience at the WCS byproduct site (License RO5807) demonstrates the need for investigation. The byproduct landfill is the part of the WCS site where radioactive weapons waste from Fernald, Ohio has now been buried. An Oct 14, 2009 TCEQ Interoffice Memorandum regarding a site visit to the byproduct landfill noted concerns that drainage trenches could get filled in or plugged. Standing water was found in a ditch near one monitor well:[37]

"It was noted that material from the OAG and upper Dockum may slough off the sidewalls and over time filling or plugging the drainage trench… Also noted during the inspection, water continues to seep from the OAG sand and gravel along the south wall above the red bed bench, standing water was noted in the red bed bench ditch near the TP-88 monitor well location." [38]

Measurements of water levels at the existing byproduct site have raised concern. Groundwater Level Elevation Reports for the byproduct site were discussed in a February 2, 2010 TCEQ Interoffice Memorandum that raised questions regarding accuracy of some well measurements, stating "However, several of these are questionable. Those wells sampled for the R04100 license that are not sampled the previous month for the R05807 license appear to have been developed prior to sampling. …it seems that perhaps previous water level elevation measurements from these wells were not accurate."[39]

A subsequent April 19, 2010 TCEQ Interoffice Memorandum states the following regarding groundwater elevation reports: "The fact that not all wells increase, the amounts of increase vary, and some data indicate a decline, rules out condensation as the cause. While these wells may not yet have a substantial amount of water present in them, they strongly suggest that water in the OAG may be moving. The distribution of these wells appears to make the concept of the dry line difficult to maintain."[40]

The document goes on to state, "From this data, it appears that the behavior of the OAG groundwater along the south side of the byproduct facility is still not well understood."[41]

Concerns about the accuracy of the dry line location are raised. "The report states, in Section 2.1, that the dry line location is substantially the same as in the application and previous monthly reports. However, the revised footprints of both the low level and compact facilities depicted on

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37 TCEQ Interoffice Memorandum regarding October 1, 2009 WCS Site Visit – Byproduct Landfill Construction Inspection, October 14, 2009

38 TCEQ Interoffice Memorandum, October 14, 2009 regarding October 1, 2009 WCS Site Visit – Byproduct Landfill Construction Inspection, Page 2.

39 TCEQ, Interoffice Memorandum, February 2, 2010, regarding January (AG Groundwater Level Elevation Report for December 2009 data Log No. 2010-1-0007, Pages 1, 2 and 3.

40 TCEQ Interoffice Memorandum, April 19, 2010, regarding February OAG Groundwater Level Elevation Report, for January 2010 data Log No. 2010-02-0007, Page 1

41 IBID, Page 2

the figures, and the increasing presence of dry wells with water of some amount in them, suggest otherwise."[42]

The memo discusses increases in some water level elevations, stating; "These 2 wells lie within the footprint of the low level facility. this is potential cause for concern and continued monitoring is warranted"[43] The memo goes on to note, "At the compact facility, 2 dry wells in the buffer zone exhibited water level elevations."[44]

Accurate data is crucial. Exact information is needed about where the site is dry and where water is located or is moving. It is of utmost importance at a site where radioactive waste is buried and must remain isolated. The uncertainties already being dealt with at the byproduct site where radioactive waste has been buried are disturbing. Increased oversight and full investigation are needed at the WCS site.

E. TCEQ officials ignored technical staff recommendations and warnings. In August, 2007, after spending considerable time reviewing WCS's application for a LLRW disposal facility, two geologists and two engineers on TCEQ's technical staff prepared an interoffice memo bluntly stating that the LLRW disposal facility's proximity to two aquifers made it "highly likely" that radioactive waste would leak into groundwater.[45] They explained:

> Analysis of the data submitted by Waste Control Specialists LLC, in its license application for near-surface disposal of radioactive waste, has resulted in the following conclusions:
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> - Groundwater is likely to intrude into the proposed disposal units and contact the waste from either or both of two water tables near the proposed facility. The Applicant has failed to demonstrate compliance with 30 TAC §336.728(f) which states "The disposal site shall provide sufficient depth to the water table so that groundwater, perennial or otherwise, shall not intrude into the waste."
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> - The Applicant has failed to successfully use numerical modeling to predict the future location of one water table that is expected to intrude into radioactive waste. This constitutes a failure to characterize the proposed site as required by 30 TAC §336.728(a) which states the proposed disposal site "...be capable of being characterized, modeled, analyzed, and monitored." Moreover, the Applicant's failure to model the future location of the water table violates 30 TAC §336.709(1) which requires analysis of future site conditions.

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42 IBID, Page 3

43 IBID, Page 3

44 IBID, Page 3

45 TCEQ Interoffice memo, August 14, 2007, regarding Groundwater intrusion into proposed LLRW facility, page 2

> Based on information provided, the Applicant has not demonstrated the site is suitable for near surface disposal of radioactive waste.[46]

The site, they wrote, "cannot be improved through special license conditions."[47] After a four-year license review, they recommended denying the license.[48]

Similarly, following a technical review of WCS's application for a radioactive by-product disposal facility license, TCEQ staff wrote in an August 31, 2007 interoffice memo that they could NOT conclude that the application complies with applicable TCEQ rules. In this memo, Patricia Bobeck, P.G. and Conrad Kuharic, P.G., explained that

> the application contains inconsistencies and contradictions and lack of detailed geologic data resulting in an incomplete geologic characterization. In addition, hydrogeologic uncertainties and unknowns and modeling that shows water encroachment into the byproduct material landfill shows that the application lacks the requirements to demonstrate compliance with the [applicable] rules . . . .[49]

With TCEQ staff so clearly concerned about the risks of groundwater contamination and questioning the suitability of the site and whether it could meet legal requirements, the issue of whether the WCS site lies above the Ogallala Aquifer, or whether it is very close in proximity to this aquifer and would allow for groundwater connections, became hotly debated.

According to the Houston Chronicle, "When WCS President Rodney Baltzer learned of the [August 14, 2007] memo he immediately sought out meetings with executive director, Glenn Shankle, who decided in December [2007] to begin drafting the license. In fact, records from TCEQ show that during the time period after the staff's recommendation, Shankle was frequently meeting with Waste Control officials, attorneys and lobbyists."[50]

TCEQ executive director Glenn Shankle overruled the staff recommendation to deny the LLRW disposal facility license and ordered that the application be approved and that the draft license be drawn up. Similarly, he ordered approval of the application for the radioactive by-products disposal license, and a license was subsequently drafted.

F. Three TCEQ staff members have quit or taken early retirement in protest of the issuance of one or another of WCS's licenses. We are further concerned by the fact that at least three TCEQ staff members have quit or taken early retirement in protest of the issuance of one or another of WCS's licenses. The fact that TCEQ employees are willing to give up their jobs to

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46 IBID, pg. 1.

47 IBID, pg. 1.

48 IBID, pg 1.

49 TCEQ Interoffice Memo regarding Final Technical review for byproduct material disposal facility in Andrews County, August 31, 2007.

50 Houston Chronicle, "Radioactive Waste Roils State Agency" by Janet Elliott, March 3, 2008- http://blogs.chron.com/texaspolitics/archives/2008/03/podcast_radioac.html.

call attention to the problem, and the fact that it has happened repeatedly, shows that TCEQ's disregard for the views of its professional staff members is a very grave problem.

The Texas Observer reported the following on April 3, 2008, regarding the protests of TCEQ staff members:

> In all, three former TCEQ employees who worked on the Waste Control license applications said they left the agency because of frustration with the licensing process. All three came to the conclusion, after years of working on the applications, that Waste Control's site is fundamentally flawed. "After years of reviewing the application, I submitted my professional judgment that the WCS site was unsuitable," said Patricia Bobeck, a hydrogeologist who worked on the byproduct material disposal application. "Agency management ignored my conclusions and those of other professional staff, and instead promoted issuance of the licenses."
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> Encarnación "Chon" Serna, Jr. an engineer, said he quit in June 2007 when it became apparent that a license for the low-level radioactive waste landfill would be issued despite staff objections. At the end of the staff's technical review in August 2006, Serna and other staff members decided the application was "very, very deficient" and couldn't be approved. Nonetheless, TCEQ managers decided to move forward, giving the company until May 2007 to address some problem areas. "Around that time I started getting the idea that these people are going to license this thing no matter what," said Serna. "I felt that in clear conscience I couldn't grant a license with what was being proposed."
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> Serna said that when he left, there were still "thousands of questions in every area of review." For example, he had trouble determining accurate calculations of radiation doses workers might expect to receive when handling soil-like "bulk waste." In 2006, Serna wrote in an internal e-mail that he'd come across 57 scenarios in Waste Control's plan in which workers would be close to radioactive waste. "I think there could be potential exposures to significant doses of radioactivity," he wrote.
>
> His overarching concern, shared by the other former staffers, relates to the site's physical location. Serna said he is convinced that the geology of the site is unsuitable for containment of radioactive waste for thousands of years.[51]

G. Former employees provide affidavits expressing continued concern of risks to groundwater by WCS facilities. After Adam Greenwood developed the website www.savetheogallalaaquifer.com, which states that the Ogallala is underneath and/or precariously close to the WCS site, WCS sued him for defamation. Mr. Greenwood responded

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[51] Texas Observer, *Good to Glow: Despite its own scientists' objections, state regulators are greenlighting a massive nuclear waste dump in West Texas*. by Forrest Wilder,Thursday, April 03, 2008

by filing a Motion for Summary Judgment, which included affidavits from former TCEQ employees Patricia Bobeck and Glenn Lewis, as well as testimony from other experts. Their affidavits reinforce the opinions and conclusions reflected in the August 14 and August 31, 2007 interoffice memoranda. (A disk of the entire Motion for Summary Judgment is available upon request.)

Glenn Lewis was a staff member at TCEQ who worked on WCS's application for the LLRW disposal facilities license. In his affidavit, Mr. Lewis states, "It [water] may be as close as 14 feet from the bottom of the proposed dump", and were not the hundreds of feet of impermeable red bed clay that the applicant originally claimed.[52] Mr. Lewis has also been quoted by the Texas Observer, explaining, "It was obvious from the beginning that the enabling legislation [for low-level radioactive waste disposal] was written for the benefit of, and largely by, this applicant." He continued, "That raised immediate concerns about how objective a review of the application could possibly be." In December 2007, Lewis left TCEQ after serving 25 years in Texas state government.[53]

Patricia Bobeck is a former TCEQ geologist experienced in remediation of contaminated soils and groundwater who worked on the byproduct disposal license. In her affidavit, Ms. Bobeck states, "In my opinion as a professional geologist, it would be reasonable for an educated member of the public concerned about a risk of radioactive contamination to Andrews county water supplies to conclude that the Ogallala Aquifer could extend directly under all of Andrews County, based on widely available maps from reputable, scholarly sources of the kind that intelligent, educated members of the public could reasonably rely upon." Bobeck also states on page 5, "It is my understanding that the Ogallala Aquifer drapes the ridge on which Waste Control plans to construct its landfill. According to the plans presented by Waste Control, Waste Control intended to remove the Ogallala Aquifer from the top of the ridge and to excavate to some depth in the underlying Dockum red clay beds. I do not know whether Waste Control has changed its construction plans or whether Waste Control still plans to excavate beneath the Ogallala Aquifer."[54]

H. TCEQ Executive Director turns WCS lobbyist after approving WCS's applications for radioactive waste disposal. The draft by-product material disposal license had already been issued and the draft LLRW license was being drawn up on Mr. Shankle's orders when he resigned his TCEQ position in June 2008. In January 2009, Mr. Shankle became a lobbyist for WCS. That same month, two of the three TCEQ Commissioners voted to approve WCS's application for a LLRW disposal license and signed an order conditionally granting the license as soon as WCS finished acquiring the mineral rights to the proposed site. The final

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[52] Affidavit of Glenn Lewis – Waste Control Specialists, LLC v Adam Greenwood, et al. Cause No 18005 109th Judicial District, Andrews County, TX, February 9, 2010, pg 6.

[53] Texas Observer, *Good to Glow: Despite its own scientists' objections, state regulators are greenlighting a massive nuclear waste dump in West Texas*. by Forrest Wilder,Thursday, April 03, 2008. http://www.texasobserver.org/archives/item/15331-2729-good-to-glow-despite-its-own-scientists-objections-state-regulators-are-greenlighting-a-massive-nuclear-waste-dump-in-west-texas

[54] Affidavit of Patricia Bobeck – Waste Control Specialists, LLC v Adam Greenwood, et al. Cause No 18005 109th Judicial District, Andrews County, TX, February 9, 2010, pg 6.

license was issued in September 2009, upon WCS's showing that all mineral interests had been acquired through condemnation.

Forrest Wilder's April 14, 2009 *Texas Observer* article documents these events.[55] Investigation by the NRC is needed regarding the inappropriate actions of a state officer working closely with the regulated entity, overruling staff recommendations, and soon afterwards lobbying on behalf of the regulated entity. These actions call into question the state's ability to maintain a radiation control program that can adequately protect public health and that meets NRC requirements.

Revolving door concerns with TCEQ have previously been problematic. Former TCEQ executive director Jeff Saitas also left the agency to work for WCS. In the January 18, 2009 article in the Austin American Statesman, entitled, "Environmental regulators find higher-paying jobs in industry," Asher Price reported:

> Four people have served in and left the executive director spot of the Texas Commission on Environmental Quality since 1994. All of them now work, one way or another, for industries they once regulated.
>
> An engineer by training, Jeff Saitas rose through the ranks at the environmental office before getting appointed by the commissioners as executive director in 1998. But by 2002, at the age of 42, and with three young children, he decided to leave the office…
>
> In 2008, according to records at the Ethics Commission, he was paid as much as $50,000 by Waste Control Specialists as it successfully lobbied the environmental commission to approve a permit to bury radioactive waste at its Andrews facility — despite warnings from the environmental agency's staff that Waste Control Specialists' application was incomplete. [56]

The potential abuse of office by some TCEQ officials is a matter of grave concern to us because it causes us to lose confidence in the TCEQ's ability and willingness to safeguard public health and the environment. Therefore we ask you to open an investigation into the issue. When top level decision makers at TCEQ make decisions in favor of WCS that ignore significant contrary evidence compiled by their own staffs, and then turn around and work for a regulated entity, it becomes questionable as to whether their decisions are adequate to protect public health and the environment and are compatible with NRC standards.

I. Issues regarding the location of nearby water tables remain unresolved. In a recent presentation to the Texas Low-Level Radioactive Waste Disposal Compact Commission on June 12, 2010, geologist Robert M. Holt noted the presence of two hydrologic bodies important to the site - the Dockum (aquifer) and the OAG formation [Ogallala, Antlers, Gatuna]

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[55] Texas Observer, *Even the Mafia Was More Circumspect* by Forrest Wilder, April 14, 2009.

[56] Austin American Statesman, Environmental regulators find higher-paying jobs in industry by Asher Price,: January 18, 2009, Pg A07.

which was reported as currently having about 7 feet of water at the playa,[57] which appears to be nearby on WCS property. This is consistent with the concerns spelled out by TCEQ staff in their August 14, 2007 interoffice memorandum:

> According to data submitted by the applicant, [WCS] there appear to be two water tables in the immediate vicinity of the proposed facility. The first is a water table present within the Ogallala, Antlers and Gatuna (OAG) materials which lie above the proposed FWF and CWF disposal units. While the data demonstrates that the OAG water table lies above the proposed facility, the precise lateral extent of the water table remains uncertain.
>
> The second water table is in the Triassic redbed materials in which the proposed disposal units will be founded. The two proposed waste disposal units are to be constructed to depths of 120 feet and 85 feet within these redbed materials. ill Revision 12a of the application, submitted on March 16, 2007, the Applicant states the second water table is no closer than 14 feet from the bottom of the proposed FWF disposal unit. However, staff analysis of the data shows that the water table may be closer than 14 feet. The current proximity of the second water table makes groundwater intrusion into the disposal units highly likely because of future annual rainfall increases and evapotranspiration decreases due to changing climatic conditions.[58]

During the June 12 meeting, Mr. Holt spoke of "puddles" that "accumulate and then dry out." When Compact Commissioner Bob Gregory inquired as to how large and deep these "puddles" are, Mr. Holt had no response. Mr. Holt's PowerPoint presentation, which was provided to the Commissioners during the June 12 meeting, depicts March 2010 water levels in wells, which are indicated by blue "+" signs on the slide entitled "OAG water is Discontinuous and Controlled by Dockum Topography."[59 and 60]

J. Investigation Warranted. As demonstrated above, TCEQ staff were clearly concerned that WCS's "low-level" radioactive waste license may not meet TCEQ regulations, which require sufficient depth to the water table so that water does not intrude into the waste. Radioactive water contamination of any aquifer that constitutes a resource for drinking water, agriculture, or wildlife protection, is unacceptable. The TCEQ's disregard for the incredibly important Ogallala Aquifer is all the more disturbing. Therefore we request an investigation by both NRC and EPA into the question of whether TCEQ has violated federal law for the protection of these aquifers or otherwise put public health and the environment at risk.

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57 "WCS Geology Presentation" Under June 12, 2010 meeting at http://www.tllrwdcc.org/information html , page 12

58 TCEQ Interoffice memo regarding Groundwater intrusion into proposed LLRW facility, August 14, 2007," page 2

59 WCS Geology Presentation" Under June 12, 2010 meeting at http://www.tllrwdcc.org/information html , page 15

60 Texas Low Level Radioactive Waste Disposal Compact Commission June 12, 2010 hearing audio, Morning session, http://www.tllrwdcc.org/information html

2) WCS's licenses for LLRW and byproduct material disposal both suffer from significant technical defects that have never been cured.

In response to draft licenses for the disposal of both byproduct material and LLRW, Sierra Club submitted comments to TCEQ alleging that basic legal requirements for issuing a license had not yet been met. Sierra Club's comments were based directly on the findings of TCEQ staff who performed the environmental and safety analysis for each license. Instead of meeting these requirements, TCEQ placed numerous pre-construction conditions and other caveats in place to force the applicant to meet the requirements after receiving its licenses. Furthermore, in response to Sierra Club's and others' comments, TCEQ's executive director repeatedly expressed the need to "verify" important and basic facts about the application through further monitoring and review, but recommended granting the licenses with this information presumably unverified.

The legality of these licenses should be investigated, and the practice of granting licenses before requirements have been met should be tested for compatibility with NRC standards.

A. Byproduct Material Disposal License. As described above, WCS's Byproduct Materials Disposal License, issued in 2008, is based on a grossly inaccurate and incomplete license application that fails to address significant environmental problems with the Andrews site. These defects are perpetuated in the license itself. Among the defects are failures to:

1) ccurately characterize the surface and underground geology and hydrology of the proposed site, including the precise location of the dry line of the OAG, the saturated zones and water table heights of the OAG and the Dockum red bed, the level of wind and water erosion, and the extent to which fissures and salt dissolution could pose a problem[61, 62 & 63];

2) consider the full range and impacts of traffic or rail accidents[64 & 65]; and

3) analyze the potential and cumulative impacts of the nearby RCRA hazardous waste landfill, the low-level radioactive waste license, the radioactive waste storage license and waste from the uranium enrichment facility[66, 67 & 68].

B. License for LLRW Compact and Federal Facilities. WCS's application for this license, as well as the TCEQ's technical review of the application, is grossly deficient in many

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61 Sierra Club Comments on TCEQ License R05807, p. 4, 11/27/200

62 TCEQ Draft Environmental Analysis for WCS Byproduct Waste Disposal License Application (License R05807), p. 24, 26-31, 44-45, 10/22/2007 http://www.tceq.state.tx.us/assets/public/permitting/waste/rad/byproducts/assessment.pdf

63 TCEQ License R05807 - Executive Director's Response to Comments, p. 79-83, 3/14/2008 http://www.tceq.state.tx.us/assets/public/permitting/waste/rad/byproducts/filed_rtc_rev05807.pdf

64 TCEQ Draft Environmental Analysis for WCS Byproduct Waste Disposal License Application (License R05807), p. 192-193, 10/22/2007

65 TCEQ License R05807 - Executive Director's Response to Comments, p. 78, 3/14/2008

66 Sierra Club Comments on TCEQ License R05807, p. 15, 11/27/2007

67 TCEQ Draft Environmental Analysis for WCS Byproduct Waste Disposal License Application (License R05807), p. 37-38, 10/22/2007

68 TCEQ License R05807 - Executive Director's Response to Comments, p. 78

respects. In addition to having the same problems as the Byproduct Material Disposal License discussed above[69, 70, & 71] WCS's LLRW license application fails to:

1) submit a more finalized design of the site, particularly with the new boundaries of the federal facility required by TCEQ[72, 73 & 74];

2) submit final plans and descriptions of the leachate collection system[75, 76 & 77];

3) design a finalized radioactive safety program for its workers, which is crucial for worker protection[78, 79 & 80];

4) take into account severe weather events and their impacts - including both high winds, tornadoes and high rain events[81, 82 & 83];

5) take into account future climactic conditions that might change the amount and timing of evaporation, high wind and high precipitation events[84, 85 & 86];

6) consider all alternatives to the proposed burial of low-level radioactive waste, including an assessment of above-ground isolation, as required by Chapter 401 of the Health and Safety Code[87 &]; and

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69 Sierra Club Comments on TCEQ License R04100, p. 17, 24 9/16/2008

70 TCEQ Draft Environmental Analysis for WCS LLRW Waste Disposal License Application (License R04100), p. 193, 8/13/2008
http://www.tceq.state.tx.us/assets/public/permitting/rad/wcs/final_draft_ea.pdf

71 TCEQ License R04100 – Executive Director's Response to Public Comments, p. 16, 18, 21-24 of 36, 12/2/2008
http://www.wcstexas.com/PDF_downloads/R04100%20filed%20RTC.pdf

72 Sierra Club Comments on TCEQ License R04100, p. 5-7, 9/16/2008

73 TCEQ Draft Environmental Analysis for WCS LLRW Waste Disposal License Application (License R05807), p. 42, 46, 8/13/2008

74 TCEQ License R04100 – Executive Director's Response to Public Comments, p. 19, 21 of 36, 12/2/2008

75 Sierra Club Comments on TCEQ License R04100, p. 10, 9/16/2008

76 TCEQ Draft Environmental Analysis for WCS LLRW Waste Disposal License Application (License R04100), pg. 105, 8/13/2008

77 TCEQ License R04100 – Executive Director's Response to Public Comments, pg. 19, 12/2/2008

78 Sierra Club Comments on TCEQ License R04100, pgs. 9, 11-12, 9/16/2008

79 TCEQ Draft Environmental Analysis for WCS LLRW Waste Disposal License Application (License R04100), pgs. 81, 120, and Appendix C, 8/13/2008

80 TCEQ License R04100 – Executive Director's Response to Public Comments, pgs. 20, 12/2/2008

81 Sierra Club Comments on TCEQ License R04100, pgs. 8-10, 9/16/2008

82 TCEQ Draft Environmental Analysis for WCS LLRW Waste Disposal License Application (License R05807), pgs. 93-94, 8/13/2008

83 TCEQ License R04100 – Executive Director's Response to Public Comments, p. 17, 12/2/2008

84 Sierra Club Comments on TCEQ License R04100, pgs. 7-9, 9/16/2008

85 TCEQ Draft Environmental Analysis for WCS LLRW Waste Disposal License Application (License R04100), pg. 50, 8/13/2008

86 TCEQ License R04100 – Executive Director's Response to Public Comments, pg. 18, 25 12/2/2008

87 Sierra Club Comments on TCEQ License R04100, p. 23-24, 9/16/20

7) consider alternative site locations to the existing hazardous and mixed use waste site in Andrews, including other counties in Texas[88, 89 & 90].

C. Ongoing Site Monitoring Reveals that "Risks of both... operations seem to be increasing". A cursory review of documents that have resulted from ongoing monitoring at the WCS facilities reveals that problems continue to increase, despite repeated assurances from the TCEQ executive director that license conditions would further "protect public health and safety" and/or "the environment."

In one document in particular, a TCEQ staff member reviewing proposed amendments for both licenses found numerous problems with WCS's proposals to address license conditions[91]. Of particular concern were several sections indicating that WCS's modeling for mass air emissions was "not val[i]datable" and that according to published papers it was not "specific enough" to be reliable. The document concludes:

"Risks of both 4100 and 5807 operations seem to be increasing as we go along, not decreasing. That is to say, WCS seems to move in the direction of increasing operational and environmental risks in these various proposals, whether they be amendments or reports required by license conditions."

D. Additional Concerns with Licenses

Also attached herewith is Sierra Club's Motion for Rehearing regarding WCS's application to dispose of the low-level waste.[92] This explains how TCEQ approved WCS's application even before WCS had acquired all the property rights for the site. This is contrary to Texas law. Although WCS has since acquired all mineral interests, and the license was accordingly issued, under Texas law, the application should not have even been considered until WCS had acquired the title to and interest in the property. Tex. Health & Safety Code § 401.204. In fact, former TCEQ Commissioner Larry Soward refused to consider or vote on the application during the Commissioners' January 14, 2009 public meeting because to do so would violate Texas law[93].

3) TCEQ has arbitrarily barred the public from participating in its licensing decisions.

We also ask that you investigate the TCEQ's unilateral refusal to allow the public to participate in licensing decisions for the By-Product Material Disposal license and the LLRW Disposal license, despite the presentation by the Sierra Club of hearing requests that more than satisfied the TCEQ's requirements for obtaining a hearing and the Texas Public Interest Council's filing that recommended the TCEQ find Rose Gardener an "affected person" and Sierra Club be

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88 Sierra Club Comments on TCEQ License R04100, p. 23-24, 9/16/2008

89 TCEQ Draft Environmental Analysis for WCS LLRW Waste Disposal License Application (License R05807), pg. 294, 8/13/2008

90 TCEQ License R04100 – Executive Director's Response to Public Comments, pg. 15, 12/2/2008

91 TCEQ Memo from Louis Gloystein, Subject: 5807 & 4100 Strategic Issues, May 21, 2009

92 Sierra Club's Motion for Rehearing TCEQ Docket No 2005-1994-RAW - License R04100, Oct 5, 2009

93 Webcast of TCEQ Commissioners Meeting, January 14, 2010, http://www.texasadmin.com/cgi-bin/tceq_view.cgi?smil=TCEQ_OM011409&part=3

granted associational standing [94]. Incredibly, the TCEQ determined that no one from the public has "standing" to participate meaningfully in the licensing of (1) the by-product disposal facility and (2) the low-level radioactive waste disposal facility in West Texas. Licenses for both of these were approved with no real public input.[95]

For the byproduct materials waste disposal license, TCEQ ruled that neither the Sierra Club nor anyone else was entitled to any type of hearing, since none of the complaining Sierra Club members could conceivably be harmed by the granting of the disposal license. The agency made a series of factual determinations, outside of any hearing process, and concluded that Sierra Club lacked "standing" to participate in a contested case regarding licensing. No representative from Sierra Club was allowed to speak at the public Commissioners' Agenda meeting, during which this determination was made. TCEQ Chairman Buddy Garcia concluded that Sierra Club's hearing request should be denied because the Club failed to show "actual injury or damage."

(It is worth noting that TCEQ Commissioner Larry Soward, whose term has since expired, dissented and expressed his opinion that Sierra Club indeed established that it had members whose interests were affected in a manner that is different from the general public, and its hearing request should therefore be granted. Commissioner Soward proposed that the application should be referred for a hearing for the benefit of the public interest. He pointed out that this would be the only disposal facility of its kind in Texas and one of a very few in the country. He acknowledged that former agency staff members had raised concerns, in the media, about this application and whether the agency was suppressing a full review of the issues. He noted that a contested case hearing would allow for a full review of all the issues associated with WCS's application. A cd of this meeting is available upon request.)

The Sierra Club case sought standing on behalf of Rose Gardner who lives in Eunice, New Mexico, about 4.5 miles from the disposal site. Her home is half a mile from the highway that runs by the disposal site. Rose and her husband own a feed store located right next to the house. She also owns a flower shop about a half mile north of that. She believed her livelihood would be affected in several ways by the byproduct material disposal site: she relies on travelers from nearby to purchase goods at the feed store and flower shop, and the negative publicity surrounding the opening of a radioactive waste site just down the highway would deter customers. Her shop supplies, including flowers, arrive from Odessa via the highway that borders the disposal site. She makes trips to a rural landfill on the southwest corner of the disposal site, and she travels frequently on the highway that borders the disposal site, inasmuch as it is the highway that takes her east to Odessa, the nearest commercial center. Rose and her husband own acreage near her feed store that is used to raise alfalfa. She has horses, cattle, goats, chickens and a pig, on this land which frequently graze on parts of the fields. The alfalfa itself is cut and dried and used both for their own animals and to provide some hay for the feed store. She has a 200-foot water well, which is at least potentially hydrologically connected to groundwater resources found in the vicinity of the disposal site.[96]

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94 OPIC Response to Request for Hearing - Dec 19, 2008, pg 8 (http://www7.tceq.state.tx.us/uploads/eagendas/hr-rfr/2005-1994-RAW.PicR.pdf)

95 Sierra Club's Motion for Rehearing TCEQ Docket No 2005-1994-RAW - License R04100, Oct 5, 2009, pg 3.

96 Sierra Club's Comments and Hearing Request (R04100) - Sep 16, 2008, pg 26-28.

Rose Gardner is not the only Sierra Club member affected by the license. Mrs. Fletcher Williams lives even closer – only 3.5 miles from the proposed WCS site. She is on the highway that borders the disposal site. Her home is located near the railroad line – including a rail spur that is directly behind her house – that serves the disposal site. Mrs. Williams cares for her elderly mother and two young children under the age of six. Because her mother and other members of her family rely on medical care in Andrews, Texas, she frequently travels east along Highway 176 to Andrews, passing directly by the disposal site. She also travels with her family along Highway 176 on the way to Odessa on trips there for shopping or to the airport. She and her family use groundwater wells in the area.[97]

The TCEQ acknowledged (in its response to comments made about its draft license) that numerous potentially-significant aspects of the subsurface hydrogeology regime of the site had yet to be characterized: size of red-bed clay fractures (TCEQ Executive Director's Response, pp. 79-80), causes of Antlers formation deformities (Response, pp. 80-81), consistent data on the 125-foot and 185-foot subsurface sand layers (Response, p. 81), consistent borehole data (Response, pp. 81-82), the causes of gypsum in the Dockum clay fractures (Response, p. 82), and so forth. Thus, the license requires WCS to verify the subsurface geology and hydrogeology before commencing construction. Nevertheless, the TCEQ executive director (Mr. Shankle) determined that "concerns about groundwater contamination against the gradient and over three miles away do not provide a reasonable basis for holding a contested case hearing." Two of the three TCEQ Commissioners ultimately agreed.

It was plainly unreasonable for the TCEQ to discount to "zero" Ms. Gardner's (and her customers') and Ms. Williams' apprehensions about potential harm associated with the licensing of the byproduct disposal site, which is mostly for highly radioactive "K-65" Fernald wastes. Under TCEQ rules,[98] a contested case hearing regarding the license should have been granted. An appeal of the decision is still pending.

On appeal, TCEQ takes the position that the decision to grant or deny a hearing is, itself, a decision that need only be supported by "substantial evidence." In Texas, this is far less than a preponderance of the evidence; the "evidence" may actually preponderate against the agency's decision, yet satisfy the standard. This standard is generally applicable when all parties have been provided an opportunity to present evidence at the agency level, and TCEQ has reached its decision following a review of all of the evidence presented. Accordingly, on appeal, a district court reviews the evidentiary record, compiled at the agency level, only to ensure that some evidence exists to support TCEQ's decision—even if it's less than a preponderance of the evidence. But in this case, TCEQ denied Sierra Club an opportunity to present any evidence to support the hearing request. Meanwhile, the "record" on appeal includes five file boxes of information and modeling studies compiled by WCS and TCEQ—information that they claim supports the decision to deny a hearing to Sierra Club—even though it was apparently not sufficient to fully and satisfactorily verify the subsurface geology and hydrogeology of the site. By denying Sierra Club an opportunity to present any evidence of its own, these boxes of

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97 IBID, pg 28-29.

98 *See* 30 Tex. Admin. Code § 55.251 (setting out requirements for submitting contested case hearing); and § 55.252 (setting out requirements for a group or association seeking a contested case hearing). For the definition of an "affected person" or "person affected," see 30 Tex. Admin. Code § 55.256(a) & (b).

information compiled by WCS and TCEQ easily satisfy the substantial evidence test proposed by TCEQ. Plainly, this substantial evidence standard of review was not intended to apply in a case like this—where all of the "evidence" has been compiled by the interested parties, and the protesting party has had no opportunity to present any of its own. And TCEQ's position—advocating the application of the substantial evidence standard of review, while denying Sierra Club an opportunity to contribute any evidence—is simply unreasonable and exacerbates an already arbitrary decision-making process.

The same thing happened when WCS sought to get a second license to operate, side-by-side, a Compact low-level radioactive waste disposal site and a Non-Compact Federal low-level radioactive waste disposal site. Sierra Club, again, sought a hearing. Again Ms. Gardner and Ms. Williams were denied "standing." TCEQ claimed that Sierra Club failed to prove injury or harm or that Ms. Gardner and Ms. Williams would be harmed by the facility in some manner that is different from members of the general public, and therefore no hearing was necessary. This effort by Sierra Club relied on largely the same facts, but, this time, Sierra Club gathered affidavits to support its case, even though no affidavits are required by TCEQ rules. In one affidavit a hydrologist with relevant waste depository experience, stated that "I can attest that the geology [of the disposal site] is quite complex and there is a possibility that contaminants in groundwater can migrate into wells as far as 5 miles from the WCS site."[99] In another affidavit by a chemist with 20 years of experience in analyzing other radioactive waste dump sites made the point that other all six of the "full service" disposal sites such as Beatty, Sheffield, Maxey Flats have demonstrated the risk of leakage -- technological barriers notwithstanding -- is high, and a hearing on any of these disposal sites is justified.[100] Yet another, by a PhD physicist with over 30 years' experience with radioactive waste issues, pointed out numerous unresolved questions regarding the groundwater dynamics and aquifer (the Ogallala) saturation of the area beneath the disposal site, the projected (and licensed) site inventory, and the adequacy of the financial assurance required under the TCEQ license. Despite all this, the TCEQ ruled that no hearing was justified and again TCEQ defended this decision on appeal by claiming that the decision (i.e., that no one could reasonably expect to be harmed), itself, need only be supported by "substantial" (less than 50%) of the evidence.

Real and meaningful public participation is the supposed goal in radioactive waste management in Agreement States, but it is unclear whether TCEQ would ever allow any person to qualify as an "affected person" entitled to a hearing, under its narrow and tortured interpretation of the law.

By contrast, attached are three documents related to the Louisiana Energy Services, L.P. ("LES") application for a license for a uranium enrichment facility (attachments 9, 10 and 11). LES's application for a license went to the licensing board of the NRC for consideration. Interested parties sought to intervene in that licensing action and raised contentions regarding deficiencies with the application. The NRC order granting a hearing request acknowledges that those parties have standing to participate in the licensing action.[101] In the second document, the board decided which issues were valid and warranted a full hearing. At the bottom of page 4, Subsection A

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[99] Sierra Club's Reply to Responses to its Hearing Request, Jan 12, 2009," Affidavit of George Rice, page 44, paragraph 12.

[100] IBID., Affidavit of Diane D'Arrigo, pages 47-50.

[101] Nuclear Regulatory Commission Order in the Matter of Louisiana Energy Services – CLI-04-15, NRC Docket 70-3103-ML, May 20, 2004

"Standing", the board confirms the parties' standing to participate. In Note 4 on the next page, the board states that parties, in support of their standing contentions, provided declarations from individuals living distances of between 2.5 and 22 miles from the proposed facility.[102] One of those individuals was Rose Gardner's husband, who resides with her, and another was Fletcher Williams. What is significant is that the NRC Board considered declarations from individuals as far as 22 miles from the proposed facility. The third document is an Opinion from the Court of Appeals in Washington D.C. in which the Court confirms that interested parties have standing to challenge the license.[103]

To summarize, the NRC and the Court of Appeals in D.C. acknowledged that both individuals and organizations had standing to challenge the license for the nearby LES site, and yet the TCEQ, faced with similar standing requests with similar, if not stronger contentions backed up by affidavits, determined Sierra Club – on behalf of its members -- was not entitled to a hearing regarding the WCS disposal licenses. This effectively results in the denial of any public participation. With concerned citizens living within 5 miles of the proposed facility and experts stating that the hydrogeology of the site is uncertain, nothing more should be needed to obtain standing and a hearing in order to publically scrutinize the license application. WCS seems to be shown favoritism in their dealings with TCEQ.

4) TCEQ's lax enforcement of permits has engendered disregard for health, safety, and legal concerns on the part of WCS. TCEQ has failed to effectively enforce WCS's Radioactive Materials Storage License, instead deferring repeatedly to the judgment of the regulated private company, WCS. TCEQ has allowed the company to accept waste not explicitly authorized by TCEQ in its interpretation of the storage license.

Radioactive waste from Studsvik, a radioactive waste processing company in Tennessee, is currently being stored at the WCS storage facility in Andrews County, Texas. Documentation of communications reveal that early on WCS believed that it needed to amend its license before it could accept the Studsvik waste is attached.[104] WCS even submitted a plan for seeking the license amendment.[105] Then, in early 2009, WCS dropped that idea, concluding that its license was fine as is and that no amendment was necessary before it accepted the Studsvik waste.[106] TCEQ disagreed.[107] WCS accepted the waste anyway.[108] The TCEQ literally stood by and watched. Forrest Wilder explains in a Texas Observer article that WCS never sought to amend its license before accepting the Studsvik waste.[109]

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[102] NRC Atomic Safety and Licensing board, Opinion in the Matter of Louisiana Energy Services, Docket 70-3103-ML, Jul 19, 2004, ," pages 4-5.

[103] United States Court of Appeals for the District of Columbia Circuit - Opinion in the Matter of Louisiana Energy Services No. 06-1301, December 7, 2007, section II, pages 6-8.

[104] WCS request to TCEQ for license amendment for Studsvik Waste, License L04971, Jan 25, 2008, pg. 1

[105] WCS request to TCEQ re R04971 Term Storage Provision - WCS-Studsvik LLRWS Initiative, May 14, 2008, pg. 2

[106] Letter to TCEQ Executive Director from WCS counsel re R04971 amendment 47, June 2, 2009, pg 1.

[107] Letter from TCEQ to WCS re Studsvik waste receipt and storage, May 20, 2009, pg. 1

[108] R04971 License Review Sheet Log no 2009-06-0004, entry under Jun-8, 2009

[109] Texas Observer "Radiation, Immigration and Secret Love," by Forrest Wilder, Jan 12, 2010, pg. 2

As late as August 2009, the TCEQ staff was requesting additional information about the waste already stored at the WCS site. In an email exchange occurring between TCEQ staff and a staffer from the Tennessee Department of Environment & Conservation questions were asked regarding the expected doses of exposure for WCS workers handling the Studsvik waste.[110] At this late date, TCEQ staff was still attempting to acquire critical information by contacting the Tennessee environmental agency. Whether TCEQ staff's inquiries were ever satisfactorily addressed is unknown to us.

From the TCEQ database it appears that the license has not been amended to address the Studsvik waste, but WCS has accepted the Studsvik waste and is storing it. In short, WCS is being allowed to act with impunity.

Not only was the Studsvik waste unauthorized by the WCS storage license, but the waste has now been sitting at the WCS site for more than 365 days, a clear violation of the WCS storage license. WCS sought to amend its license to allow it to continue storing the Studsvik waste beyond the 365-day storage limit which expired on June 8, 2010. TCEQ denied their request May 24, 2010[111].

On June 9, 2010, Public Citizen and SEED Coalition submitted a complaint to TCEQ asking that enforcement action be taken against WCS for violating the terms of its storage license by holding the Studsvik waste beyond the limit imposed by the license which expired June 8, 2010[112]. The TCEQ responded to that complaint saying that it would issue a Notice of Violation (NOV) within two weeks, but that WCS would not be fined at this time, nor would WCS be required to remove the waste or return it to Studsvik.

It is apparent that WCS must have anticipated little or no enforcement action would be taken. In testimony before the Compact Commission in December of 2009, CEO Rod Baltzer told the Commissioners that WCS could hold the Studsvik waste indefinitely, despite clear terms in its TCEQ license stating otherwise. By April 16. 2010, WCS applied for an extension of the 365-day storage limit, which was denied.[113] WCS should have been prepared to move the waste upon expiration of the permitted time limit. TCEQ should have been ready to fine WCS for permit violations or at minimum, demand that the waste be returned.

Instead, in a quote taken by the radioactive waste trade journal *RadWaste Monitor*, WCS representative Dan Burns expressed a flagrant disregard for the opinion of TCEQ on the subject of waste storage limits.

"We are going to continue to store the waste past the 365 days, until we can't," he said.

While officials from Studsvik in Tennessee claimed to have contingency plans which included taking the waste back from Texas, the WCS officials were obstinate, at least in part because they believed TCEQ would not punish them.

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110 Email and phone log entries between TCEQ and TNDEC re worker dose info for Studsvik workers, Aug 13, 2009 to Aug 18, 2009. pgs. 1-3

111 TCEQ Notice of Violation to WCS for interim storage of Studsvik waste, Jul 13, 2010, pg. 1

112 IBID, pg. 5

113 IBID, pg. 5

"There's no indication that we'll have to send those offsite anywhere," said Jeff Havlicack, vice president for business development at WCS.[114]

A "Notice of Violation" was issued by TCEQ on July 13, 2010. The recommended enforcement action was to ask WCS to enter into a "Compliance Agreement" by August 30th[115]. To date, the waste continues to reside at the WCS facility in violation of the company's license.

CONCLUSION

A thorough review of TCEQ licensing, compliance and enforcement practices related to WCS is needed. Grave concerns have been raised by experts, TCEQ staff, and former employees in the licensing of WCS's radioactive waste facilities. Organizations like the Sierra Club that have requested the opportunity to demonstrate potential problems with the proposed site and license conditions have been denied that opportunity in violation of state rules and statutes. Former executive directors at the agency have used their influence to help the private company standing to profit from the licenses recommended by those same directors.

In submitting this document, we request that your agency review the granting of the two licenses recently issued by the TCEQ for the disposal of byproduct materials and low-level radioactive waste and assess whether TCEQ is meeting federal requirements for proper licensing, public participation in license decision-making and enforcement of licensing conditions as part of their delegated program to oversee management of radioactive waste.

We are happy to provide any information requested and respond to any questions you have related to these matters. Tom Smith, Director, Texas Office of Public Citizen, is available as a primary contact and can direct you towards additional information or other concerned citizens or organizations. He may be reached by phone at 512.637.9468 or by email at smitty@citizen.org. Thank you.

---

114 Radwaste Monitor Vol 3, No. 20, "WCS, Studsvik Face Questions on Future of Stored B&C Waste," June 28, 2010, pg. 2

115 TCEQ Notice of Violation to WCS for interim storage of Studsvik waste, Jul 13, 2010, pg. 1

"Tom Weis - Ride for Renewables" <tom@climatecrisissolutions.c	To "Tom Weis"
02/11/2013 04:57 PM	cc
Please respond to tom@climatecrisissolutions.com	bcc
	Subject Today in HuffPost

Friends & Colleagues,

Please share (and comment on): "Why the Southern Leg of Keystone XL Must Be Stopped" (The Huffington Post).

Thanks!

Tom

P.S. We're closing in on 2000 signatures for the KXL petition (click here to sign). Official endorsers include: **Lt. Dan Choi**, **Indigenous Environmental Network**,**Calhoun County Resource Watch**, **NacSTOP**, **San Antonio Bay Waterkeeper**, **Texas Injured Workers**, **CODEPINK**, **Pineywoods Sierra Club**, **Arctic Voices**, **Citizens Climate Lobby**, **EarthAction**, **2020 Action**, **Tantoo Cr Cardinal**, **Tar Sands Blockade**,**Conscious Global Leadership**, Landowner Rights Alliance, **Compassionate Earth Walk**, **Fast for the Earth**, **Highland Winds**, **Ed Begley, Jr.**, **Dr. James E. Hansen**, **Paul Hawken**, **Students for Environmental Action**, **Julia Butterfly Hill**, **WilderUtopia**,**Lester Brown**, **EcoJive**, **Daryl Hannah**, **Rocky Mountain Peace and Justice Center**,**The New York Green Advocate**

Tom Weis, President
Climate Crisis Solutions
(303) 378-1364 (mobile)
RideForRenewables.com
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"Polite conservationists leave no mark save the scars upon the Earth that could have been prevented had they stood their ground."
- David Brower (1912-2000)

"Tom Weis - Ride for Renewables" <tom@climatecrisissolutions.c	To "Tom Weis"
02/07/2013 03:04 PM	cc
Please respond to tom@climatecrisissolutions.com	bcc
	Subject [POSSIBLE SPAM] KXL Petition #s Growing...

Friends & Colleagues,

The "Tell President Obama to Stop Construction of the Southern Leg of Keystone XL" petition has clearly struck a nerve. People get that it is not enough for President Obama to deny TransCanada a cross-border permit. He must also stop the **actual construction** currently underway in Texas and Oklahoma. Stopping Keystone XL means stopping the pipeline IN ITS ENTIRETY.

In three days, we just passed the 1,000 signatures mark, with more rolling in... If you haven't already, please **SIGN THE PETITION & SHARE IT WITH EVERYONE YOU KNOW** by posting it on your website, facebook page and/or twitter account. We have broad representation from nearly every state in the union, with signers also coming in from around the world.

If your group would like to join Indigenous Environmental Network, CODEPINK, NacSTOP, Calhoun County Resource Watch,
San Antonio Bay WATERKEEPER, Texas Injured Workers, Pineywoods Sierra Club, Arctic Voices, Citizens Climate Lobby, EarthAction, 2020 Action, Tantoo Cardinal and Lt. Dan Choi as **ENDORSERS** of the petition, **send the name and web link of your organization to Stefanie Spear at EcoWatch (spear@ecowatch.org) today.**

Thanks for your help!

Tom

Tom Weis, President
Climate Crisis Solutions
(303) 378-1364 (mobile)
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Twitter/RenewableRider
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"Polite conservationists leave no mark save the scars upon the Earth that could have been prevented had they stood their ground."
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"U.S. EPA"
<usaepa@govdelivery.com>

10/16/2012 01:34 PM

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<usaepa@govdelivery.com>

To John Millett

cc

bcc

Subject EPA Awards $39,327 to American Lung Association of CA to Improve Indoor Air Quality, Asthma Management in San Diego Schools

FOR IMMEDIATE RELEASE: October 16, 2012
MEDIA CONTACT: Nahal Mogharabi, mogharabi.nahal@epa.gov

EPA Awards $39,327 to American Lung Association of CA to Improve Indoor Air Quality, Asthma Management in San Diego Schools

Part of $1.2 Million Awarded Nationwide

LOS ANGELES – The U.S. Environmental Protection Agency recently awarded $39,327 to the American Lung Association of California (ALA CA) to improve air quality as well as student asthma self-management skills in low-income schools in San Diego, Calif.

With this funding, ALA CA will provide indoor environmental asthma trigger training for more than 300 children with asthma in 20 schools that bear the greatest asthma burden in San Diego. The funding will also help schools in San Diego establish indoor air quality management programs consistent with the practices of the EPA's Indoor Air Quality Tools for Schools program.

“EPA is proud to be working with our awardees across the nation to improve the air we breathe at school, work and home,” said Gina McCarthy, assistant administrator for EPA’s Office of Air and Radiation. “American communities face serious health and environmental challenges from air pollution. This effort gives us an opportunity to improve indoor air quality by increasing awareness of environmental health risks.”

Today’s funding is part of a combined $1.2 million in funding to 32 state and local governments, tribes, and non-profit organizations to improve indoor air quality, which will better protect the health of Americans in classrooms, communities and homes across the country.

Education projects, training and outreach efforts supported by the funding will help reduce the environmental health risks of indoor air contaminants such as radon and asthma triggers. From organizing and training speakers on how to educate parents of children with asthma, to providing technical assistance that will help school districts develop indoor air quality management plans, these projects will help protect children and families. EPA emphasized selecting projects that assist low income and minority families that are disproportionately impacted by poor indoor air quality.

Indoor air pollutants in homes, buildings, and schools can negatively impact the health of occupants. Some pollutants cause health problems such as sore eyes, burning in the nose and throat, headaches or fatigue. Others can cause worsen allergies, respiratory illnesses (such as asthma) or even cancer.

October is Children’s Health Month. EPA’s mission to protect human health and the environment requires us to continue to pay special attention to the vulnerabilities of children, and especially to children living in disadvantaged communities.

More information about Indoor Air Assistance Agreements: http://www.epa.gov/iaq/regional_funding.html

For more information on Children’s Health Month, please visit:
http://yosemite.epa.gov/ochp/ochpweb.nsf/content/chm-home.htm

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This service is provided to you at no charge by U.S. Environmental Protection Agency.

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"Walke, John"
<jwalke@nrdc.org>
10/27/2010 12:17 PM

To undisclosed-recipients:
cc
bcc
Subject NRDC: Health and Other Groups Urge EPA to Save Thousands of Lives With Stronger Smog Standards

FOR IMMEDIATE RELEASE
Contact: Mary Havell, American Lung Association, 202-715-3459, mhavell@lungusa.org
Eric Young, NRDC, 703-217-6814, eyoung@nrdc.org

69 Health and Other Groups Urge EPA to Save Thousands of Lives With Stronger Smog Standards

WASHINGTON, D.C., (October 27, 2010) – Sixty-nine organizations representing health, environmental, Latino and faith constituencies are urging the U.S. Environmental Protection Agency (EPA) to protect public health by issuing strong standards for smog (ground-level ozone). Polluters and their allies are pushing heavily to block the standards, which would save as many as 12,000 lives and prevent tens of thousands of asthma attacks and heart attacks each year.

"It is critically important that EPA strengthen the ozone standard to protect millions of Americans who are currently exposed to unsafe levels of toxic ozone," said Charles D. Connor, President and CEO of the American Lung Association. "This is an important step towards safer and healthier air across the United States."

The standard is the official "limit" on ground level ozone air pollution—at a level that protects public health with an adequate margin of safety. The standard drives all the action to get rid of ozone air pollution, commonly known as smog, at the national, state and local levels.

Overwhelming scientific evidence shows that the smog standard must be much stronger to protect public health from serious harm. The Clean Air Scientific Advisory Committee, EPA's independent science advisors, reviewed the evidence from more than 1,700 studies of the health impacts of ozone. They

concluded unanimously that the standard should be revised downward to between 60-70 parts per billion

(ppb).

"Science should be our guide, and there's no doubt that adopting a stronger standard will protect health and save lives," said Georges C. Benjamin, MD, Executive Director of the American Public Health Association. "People with asthma, seniors, outdoor workers and especially children are at greatest risk. A stronger standard will help ensure that those who are most vulnerable are more adequately protected."

A strong ozone pollution standard will prevent life-threatening health effects. Ozone burns lungs and airways, causing them to become inflamed, reddened, and swollen. Children and teens, senior citizens, and people with lung diseases like asthma, chronic bronchitis, emphysema, and others are particularly vulnerable to the health effects of ozone. When inhaled even at low levels, ozone can cause chest pain and

coughing, aggravate asthma, reduce lung function, increase emergency room visits and hospital admissions for respiratory problems, and lead to irreversible lung damage. Ozone can even cause premature death.

“Polluters are attacking the clean air laws that have saved tens of thousands of lives and prevented millions of cases of illnesses over the past 40 years,” said Peter Lehner, Executive Director of the Natural Resources Defense Council. “The Clean Air Act has done a remarkable job of reducing pollution and protecting our health but there is more work to be done. Millions are suffering from asthma attacks and heart and lung disease. We need the EPA to follow the science and enact stronger standards to reduce the amount of smog we breathe.”

The ad runs in The Hill today and in Politico on Thursday and reads as follows:

“It's our air, but big polluters treat it like they own it. They dump millions of tons of dangerous pollution into our air, threatening the health of all Americans.

Now they're also dumping millions of dollars into a lobbying war against America's clean air laws -- even as millions suffer from asthma attacks and other health impacts, especially the young and the elderly.

By setting stronger air quality standards for smog, the EPA can take a stand against big polluters and their lobbyists – and stand up for all Americans, including the most vulnerable.

Overwhelming evidence shows that stronger smog standards will save thousands of lives and prevent tens of thousands of respiratory emergencies each year. Why would anyone oppose that?

Administrator Jackson, we are counting on you to fight for our air so America’s most vulnerable don’t have to.

The following national organizations are listed on the ad:

American Academy of Pediatrics, American Lung Association, American Public Health Association, Center for Biological Diversity, Clean Air Watch, Earth Day Network, Earthjustice, Environment America, Environmental Defense Fund, Environmental Health Fund, Friends of the Earth, Greenpeace USA, Labor Council for Latin American Advancement, League of Conservation Voters, Mineral Owners for Responsible Action and Land Safety, National Alliance for Drilling Reform NA4DR, National Latino Coalition on Climate Change, National Parks Conservation Association, National Puerto Rican Coalition, Inc., National Wildlife Federation, Natural Resources Defense Council, NETWORK-A National Catholic Social Justice Lobby, Physicians for Social Responsibility, Safe Climate Campaign, Sierra Club, The Center for the Celebration of Creation, Trust for America’s Health, Union of Concerned Scientists, Unitarian Universalist Association of Congregations, Unitarian Universalist Ministry for Earth and Voces Verdes.

In addition, an ad with a complete list of all 69 national, state and local signers will be available here.

# # #

About the American Lung Association:
Now in its second century, the American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease. With your generous support, the American Lung Association is "Fighting for Air" through research, education and advocacy. For more information about the American Lung

Association, or to support the work it does, call 1-800-LUNG-USA (1-800-586-4872) or visit www.LungUSA.org.

About the Natural Resources Defense Council:
The Natural Resources Defense Council is a national, non-profit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has more than 1.3 million members and e-activists nationwide, served from offices in New York, Washington, Los Angeles, San Francisco and Beijing. More information is available at www.nrdc.org.

Alisa Coe
<acoe@earthjustice.org>
02/13/2012 12:20 PM

To Bob Sussman, Nancy Stoner, Bob Perciasepe, LisaP Jackson
cc
bcc
Subject FW: Earthjustice Comments on EPA Review for Approval of FDEPs Proposed Numeric Nutrient Rules

Please find attached the comments of Earthjustice, et al. on EPA's approval of FDEP's proposed rules filed yesterday with Region 4.

Best,
Alisa Coe

From: Alisa Coe
Sent: Monday, February 13, 2012 1:31 AM
To: baschon.carol@epa.gov; Gwendolyn Keyes Fleming (KeyesFleming.Gwendolyn@EPA.gov); 'giattina.jim@epa.gov'
Subject: Earthjustice Comments on EPA Review for Approval of FDEPs Proposed Numeric Nutrient Rules

Please find attached Comments and Exhibits filed on behalf of Earthjustice, Florida Wildlife Federation, Sierra Club, St. Johns Riverkeeper, Conservancy of Southwest Florida, and Environmental Confederation of Southwest Florida on EPA's Review for Approval of Florida DEP's Proposed Numeric Nutrient Rules. If there is an additional address and/or EPA official to which these comments should be directed, or another method of delivery which should be employed, please advise me immediately.

With Kind Regards,
Alisa Coe

_____

Alisa Coe
Staff Attorney
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
(850) 681-0031
(850) 681-0020 Fax
www.earthjustice.org

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cc

bcc

Subject 2013 President's Research Report

AMERICAN LUNG ASSOCIATION.
Fighting for Air

DONATE

PRESIDENT'S RESEARCH REPORT

Discovering a Future Free of Lung Disease

As a member of the Lung Association family, you know how important research is to lung health. This year's **President's Research Report** highlights some outstanding research projects.

During the past year, **with your support**, the American Lung Association awarded more than $5 million to over 80 high quality research projects. This work helps advance scientific understanding of lung diseases such as lung cancer, chronic obstructive pulmonary disease (COPD), asthma, and other serious ailments.

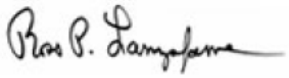
The **President's Research Report** features some of the innovative and groundbreaking research projects your donations help support. One award recipient, **Jessica Sieren, PhD**, aims to identify and help the subset of COPD patients who are most at risk for developing lung cancer.

Read the full report to learn more about treatments and cures that may touch the lives of people with lung disease, helping them live longer, healthier lives.

Funding medical research is a vital part of our mission and our comprehensive approach to healthy lungs and healthy air. Coupled with patient resources, educational programs, and public health policy, we are helping people all across America.

Together, with **your support**, we'll continue striving towards a future free of lung disease.

Sincerely,



Ross P. Lanzafame, Esq.
Chair, National Board of Directors
American Lung Association

Lung Disease Research is Vital to America

• 443,000 people in America die tobacco-related deaths each year

• Over 160,000 people reportedly died from lung cancer in 2012

• Over 7.1 million children are affected by asthma

• 226,000 people are hospitalized due to influenza each year

• 43 million+ adults in America still smoke

Ask our experts about your lung health

Our **Lung HelpLine** is a toll-free resource for patients and caregivers. Speak with qualified professional on lung health related topics, including lung cancer, asthma, COPD and quitting smoking. Call **1-800-586-4872** Monday–Friday from 7 a.m.–11 p.m. TTY service is available at **1-800-501-1068**.

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12/20/2012 09:40 AM

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To Bob Perciasepe
cc
bcc
Subject Happy Holidays

» View this message in a web browser
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Donate Today

There's No Better Time of Year to

Thank You For Joining Us

in Our Fight for Air

Happy Holidays from all of us
at the **American Lung Association**

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01/09/2013 09:00 AM

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To Bob Perciasepe

cc

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Subject Kicking off 2013

Looking Forward to the Year Ahead

We value the partnership we have with you and we extend our deepest gratitude for making 2012 a year to remember. Thank you for helping us reach our year-end online fundraising goal of $150,000. Your involvement brings the mission of the American Lung Association to life. Together in 2013, we will continue **Fighting for Air**.

As we turn our calendars, we may also consider another change—**a change that benefits our lungs, our air and our lives**. If you or someone you know would like more information about lung health, we're here to help.

• Join our COPD webinar on Thursday, January 17: **COPD Support for Today, Solutions for Tomorrow**.
• Spread the word about our new online resource for people living with lung cancer, **Facing Lung Cancer, Support from Day One**.
• Invite a smoker who wants to quit to **Freedom from Smoking Online**.
• Call our **Lung HelpLine**, 1-800-LUNGUSA or 1-800-586-4872, for answers to lung health questions you may have.

We will continue striving for more successes in 2013, and we

wish you and yours a healthy New Year.

Ross P. Lanzafame, Esq.
Chair, National Board of Directors
American Lung Association

Share on Facebook

Share on Twitter

More Highlights

Facing Lung Cancer: Support from Day One

In early November we launched our new, lung cancer website, **Facing Lung Cancer, Support from Day One**. This first-of-its-kind resource provides support to newly diagnosed lung cancer patients and their caregivers from the moment of diagnosis.

Visit MyLungCancerSupport.org »

State of the Air Smartphone App

We launched our new Breathe Smarter™ Campaign, which paired funny and edgy Public Service Announcements featuring "air collector" **Alvin Grimes** with a new **State of the Air® smartphone app**.

Fight for Air from Your Phone »

After Christmas Sale

We're offering 50% off all Christmas Seals merchandise. Now is the time to get a great deal on our 2012 and other collectible Christmas Seals gifts at a great price. **Shop online today**.

Visit ChristmasSeals.org »

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To Bob Perciasepe

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Subject Let's make 2013 even better

It's been a great year. Together, let's make 2013 even better.

It's been a great year. Thanks to you—our donors, advocates, volunteers and health professionals—we've made great accomplishments in our fight for air. Thank you for your unwavering support that has made all of this possible.

Now, let's look forward together and set out to save more lives by continuing to improve lung health and prevent lung disease. Please consider making a financial gift today that will help fuel our fight for air in 2013.

2012 Highlights

Our dedicated volunteers further the mission of the Lung Association. Volunteers like Lauren Lempert , who provided invaluable legal expertise, aided our fight against the Tobacco Industry.

Lung Association funded researcher, Dr. Sieren, is doing promising work using computed tomography (CT) scans. Her work helps identify patients who are at risk for lung cancer. Learn more about our researchers and their vital work.

With strong support from the Lung Association of the Upper Midwest, North Dakota passed a law that

The Lung Association pushed for the Centers for Disease Control and Prevention to survey the

made all workplaces, including bars and restaurants, smokefree statewide.

public to acquire important demographic data on chronic obstructive pulmonary disease (COPD). This detailed information is an essential first step in successfully addressing COPD disparities.

Thank you for being such an important part of a tremendous 2012.

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Ross P. Lanzafame, Esq.
Chair, National Board of Directors
American Lung Association

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02/12/2013 09:40 AM

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To Bob Perciasepe

cc

bcc

Subject Love is in the air

DONATE

For the love of AIR ...

Valentine's Day is just around the corner, and even though expanding my air collection takes a lot of time and hard work, it's important to take a breather and share my love ... for AIR.

For those of you who may not know me, I'm Alvin Grimes, a self-proclaimed professional "Air Collector." I've teamed up with the American Lung Association to get the word out about the importance of healthy air quality. How can you learn about air quality where you live? It's easy with the FREE ***State of the Air®*** **smartphone app**.

What's so special about Valentine's Day this year? Well, I'd like to think it's the inaugural "**Alvintine**" ... yes, that's right, it's a free, one-of-a-kind e-card valentine. What could be sweeter? **Send an "Alvintine" and share your love for air with friends and loved ones today**.

Also, be sure to **check out my new photo gallery** featuring yours truly collecting some stellar air. And [spoiler alert] I wrote a poem too. Can you feel the love ... for AIR?

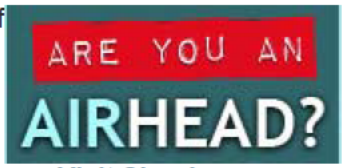
Check out my photo gallery, starring my one true love: AIR

Love air? Me too. Let's connect.

So this Valentine's Day, amidst the smells of chocolate and roses (and more chocolate) ... don't forget to savor a few deep breaths of sweet air. It's what I live for and what we all can't live without.

Let me know if you need some advice with your own air collection or tag your favorite photos of air with **#iloveair**.

Happy Valentine's Day, and please stay connected.



Visit ShopLung.org to get your very own "AirHead" t-shirt

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Send an "Alvintine"

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Please respond to American Lung Association <YourFriends@lung.org>

To Bob Perciasepe

cc

bcc

Subject Resolve to save lives

Resolve to save lives in 2013 with a tax-deductible donation.

Time is almost up to make a tax-deductible donation in 2012. As the year-end nears, you might be reflecting on your achievements and considering goals for 2013. We at the American Lung Association have also reviewed our successes and are proud to share some of them with you. Without your support these accomplishments wouldn't have been possible.

We are also setting grand goals for 2013 to work toward a world free of lung disease. **Your tax-deductible donation will help**. We hope you'll join us in our fight for air by making a financial gift today. Together, we can save lives by improving lung health and preventing lung disease.

2012 Highlights

The Lung Association is proud to work with fantastic volunteers like Dan, a COPD patient who received a lifesaving lung transplant. Dan helps raise awareness about the importance of clean air. Read Dan's story.

On December 14, the Obama Administration announced the decision to set a much stronger national air quality standard on particulate matter (soot). This is a victory for people like Lydia Rojas, who lost her 15 year old daughter to an asthma attack. Read Lydia's story.

We launched our new Breathe Smarter™ Campaign, which paired

In early November we launched

funny and edgy Public Service Announcements featuring "air collector" Alvin Grimes with a new State of the Air® smartphone app.

MyLungCancerSupport.org. This first-of-its-kind resource provides support to newly diagnosed lung cancer patients and their caregivers from the moment of diagnosis.

Thank you for being such an important part of a tremendous 2012.

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American Lung Association <TakeAction@lung.org>

01/17/2013 03:00 PM

Please respond to American Lung Association <TakeAction@lung.org>

To Bob Perciasepe

cc

bcc

Subject We're all paying the price for tobacco

AT A GLANCE | FEDERAL GRADES | STATE GRADES | OUR FIGHT | INFOGRAPHIC

Tobacco Causes Death and Disease; It's Not Only Tragic, it's Expensive ... and We're All Paying the Price

Smoking costs the American public almost **$200 billion every year** in healthcare costs, lost productivity and wages—it's a

staggering bill and we're all paying for it.

You deserve to know where your state stands on key tobacco control policies that affect you, your family and your community. Want to learn more? Visit the Lung Association's "State of Tobacco Control 2013" website.

How can you help?

Find out what your state and the federal government should be doing to prevent youth from starting to use tobacco and help current tobacco users quit. Take action today. Let your representatives know they need to stand up against Big Tobacco.

What's notable about this year's "State of Tobacco Control" report?

This year's report reveals the tragic

money trail that leads to 443,000 people dying each year from tobacco-caused death and even more people suffering from diseases caused by tobacco use. What's worse? Federal and state governments are failing to combat tobacco industry tactics.

• The federal government's progress on tobacco control nearly halted in 2012, most notably, the Food and Drug Administration (FDA) failed to exercise its oversight authority; the result is a new generation of tobacco products aimed at hooking our youth.

• State governments continue their years of inaction by again failing to invest income from tobacco taxes and tobacco settlement payments into programs proven to keep youth off tobacco and

help current smokers quit.

View the "State of Tobacco Control 2013" report to learn more about the costly effects of tobacco use. Also check out our new Infographic, "Rolling the Dice on Tobacco Use: How the chips are stacked against our kids," which follows the trail of money to the leading cause of preventable death.

Sincerely,

Paul G. Billings
Senior Vice President, Advocacy & Education

TAKE ACTION

SHARE ON FACEBOOK

SHARE ON TWITTER

MAKE DONATION

SEND AN E-CARD

REGISTER FOR E-NEWS

2013 Infographic
"Rolling the Dice on Tobacco Use: How the chips are stacked against our kids"

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Athan Manuel
<athan.manuel@sierraclub.org>

08/30/2012 02:45 PM

To Bob Perciasepe
cc
bcc
Subject Shell air permit

Bob - Hope all is well. Thanks again for meeting with us a few weeks ago.

We're obviously curious about how today's announcement from DOI impacts Shell's air permit application. Is Shell telling EPA that
they can now meet Clean Air Act standards without a change to their
current permit?

Any info would be helpful and appreciated. - Athan

--
Athan Manuel
Director, Lands Protection Program
Sierra Club
50 F St. NW, Eight Floor
Washington, DC 20001
Direct line: 202-548-4580
Fax: 202-547-6009
Cell: 202-716-0006

Athan Manuel
<athan.manuel@sierraclub.org>

07/26/2012 02:59 PM

To Bob Perciasepe
cc Arvin Ganesan
bcc
Subject Meeting on Shell's drilling plan

Mr. Perciasepe - I am writing on behalf of a coalition of environmental groups, including Oceana, the League of Conservation Voters, Center for Biological Diversity, NRDC and others as well as the Sierra Club, to request a meeting to discuss Royal Dutch Shell's plans to drill in the Arctic Ocean this summer. While the Obama Administration has devoted considerable attention to this issue already, recent developments have significantly changed the decision-making landscape in ways we think are highly significant.

Since Shell received preliminary approvals for this summer, a cascade of revelations has shown it may not be nearly as able to limit harm and threats from drilling operations as it has claimed. We have many concerns with their drilling plans, especially their request to increase air pollution from its Arctic drilling rigs significantly. We met with Janet McCabe yesterday, but would also like to raise these issues with you.

We ask that you find some time in what we know to be a very busy schedule, to discuss how this Administration can responsibly deal with the growing uncertainty about Shell's readiness, and ensure that drilling does not proceed until and unless the extraordinarily rich and vulnerable public resources of the Chukchi and Beaufort Seas are securely protected.

Thank you for your consideration. Feel free to reply to the email or to call me at one of the numbers below. - Athan

--
Athan Manuel
Director, Lands Protection Program
Sierra Club
50 F St. NW, Eight Floor
Washington, DC 20001
Direct line: 202-548-4580
Fax: 202-547-6009
Cell: 202-716-0006

Athan Manuel
<athan.manuel@sierraclub.org
>

07/30/2012 05:11 PM

To Bob Perciasepe, Teri Porterfield
cc
bcc
Subject Attendees for next week's meeting

Thanks for agreeing to meet with our coalition next week, August 10th, at 11:30 am, to discuss Shell's air permit for their Arctic drilling plans. The following folks - plus me - will attend the meeting:
John Walke, NRDC
Bill Snape, Center for Biological Diversity
Alex Taurel, League of Conservation Voters
Kristin Miller, Alaska Wilderness League
Corry Westbrook, Oceana
David Moulton, The WIlderness Society

See you next week. - Athan

--

Athan Manuel
Director, Lands Protection Program
Sierra Club
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Athan Manuel <athan.manuel@sierraclub.org >	To	Bob Perciasepe, Teri Porterfield
	cc	
07/31/2012 03:34 PM	bcc	
	Subject	Re: Attendees for next week's meeting

One addition to that list: Kert Davies, Greenpeace. So there will be 8 of us.

On Mon, Jul 30, 2012 at 5:11 PM, Athan Manuel <athan.manuel@sierraclub.org> wrote:

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> --
> Athan Manuel
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> Sierra Club
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> Washington, DC 20001
> Direct line: 202-548-4580
> Fax: 202-547-6009
> Cell: 202-716-0006

--
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Betsaida Alcantara/DC/USEPA/US
03/16/2012 04:10 PM

To Brendan Gilfillan, Bob Sussman, David Bloomgren, Cynthia Giles-AA
cc Bob Perciasepe
bcc
Subject Fw: Keystone XL FOIA

See below

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 03/16/2012 01:57 PM -----

From: "Kollipara, Puneet K" <Puneet.Kollipara@chron.com>
To: Betsaida Alcantara/DC/USEPA/US@EPA
Date: 03/16/2012 01:54 PM
Subject: Keystone XL FOIA

Hi Betsaida,

Can you respond to this FOIA request as well as the suggestion that EPA Administrator Jackson may have put pressure on the State Department to reject the Keystone XL permit?

http://www.instituteforenergyresearch.org/2012/03/16/ier-files-keystone-xl-foia-request-with-epa/

Institute for Energy Research files Keystone XL FOIA request with EPA
For Immediate Release
March 16, 2012

WASHINGTON D.C. — The Institute for Energy Research filed a Freedom of Information Act request today with the Environmental Protection Agency, seeking key documents regarding the Obama administration's decision to delay and ultimately deny the Keystone XL pipeline permit.

"After more than three years of study, the State Department failed to decide whether or not the pipeline was in the national interest. After Congress imposed a deadline to make a decision, President Obama rejected the pipeline application on Jan. 18, 2012, arguing that making a decision after more than three years of study was 'rushed and arbitrary,'" wrote IER Director of Regulatory and State Affairs, Dan Simmons.

"One troubling aspect of the President's decision is that it appears to have been influenced by political factors and not whether the pipeline is in the national interest."

IER requested copies of all communications and correspondence regarding the Keystone XL pipeline between the EPA and:

The Executive Office of the President
The U.S. State Department
U.S. Senator Mike Johanns and his staff
U.S. Senator Ben Nelson and his staff
Nebraska Governor Dave Heineman and his staff
Nebraska Department of Environmental Quality
Bold Nebraska
League of Conservation Voters
Natural Resources Defense Council
Sierra Club

"For the past three years, the Environmental Protection Agency has been working overtime to blockade domestic

energy development and impose the agenda of environmental extremists on the country," according to IER President Thomas Pyle. "The American people have a right to know whether EPA Administrator Lisa Jackson or other federal regulators exerted pressure to delay and ultimately deny the Keystone XL pipeline permit. Only a full disclosure from EPA can remove questions about the agency's ability to use its regulatory authority to promote clean air and water rather than engage in ideologically-driven crusades against traditional energy sources."

Thanks!

Puneet Kollipara
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Washington, D.C. 20005
(o) 202-263-6519
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Betsaida Alcantara/DC/USEPA/US
03/16/2012 10:41 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Shawn Garvin, Diane Thompson, Brendan Gilfillan, Arvin Ganesan, Laura Vaught
cc
bcc
Subject Latest clips on Dimock

State Impact: EPA's Test Results Show Safe Drinking Water in Dimock

AP: EPA: Water quality OK in Pa. gas drilling town

Scranton Times Tribune: First 11 Dimock homes sampled by EPA show no health concerns

Bloomberg: EPA Clears Water in Pennsylvania Fracking Town After Complaints

[[full text below]]

State Impact: EPA's Test Results Show Safe Drinking Water in Dimock
March 15, 2012 | 4:49 PM
By Susan Phillips / StateIm-pact PA
The Envi-ron-men-tal Pro-tec-tion Agency says the drink-ing water test results of 11 homes in Dimock, Pa. did not show con-t-a-m-i-na-tion high enough to pose a health threat. Two of the homes tested did show arsenic, but the EPA says the arsenic lev-els are within safe drink-ing water stan-dards. They plan to retest the water from those house-holds. The water sup-plies of six of 11 homes did show sodium, methane, chromium or bac-te-ria. Again, the EPA says the con-cen-tra-tions were within the safe range for drink-ing water.
The EPA says it will con-tinue to pro-vide water to three homes while doing addi-tional sam-pling. The agency says it will re-evaluate send-ing water to those house-holds after con-duct-ing its sec-ond round of test-ing. In the mean-time, the EPA says they will meet with res-i-dents to dis-cuss their health-related concerns.
The EPA stepped in to Dimock's water con-tro-versy after state reg-u-la-tors said Cabot Oil and Gas could halt free water deliv-er-ies to res-i-dents. The head of Pennsylvania's DEP, Michael Krancer, crit-i-cized the fed-eral action. In a state-ment issued by the EPA on Thurs-day, the agency says it con-tin-ues to base its deci-sions on science.
"Our actions will con-tinue to be based on the sci-ence and the law as we work to help get a clear pic-ture of water qual-ity for these homes in Dimock."
Dimock res-i-dent Vic-to-ria Switzer says EPA offi-cials showed up at her door on Wednes-day to hand deliver the results. The tests by the EPA show sodium in Switzer's water but says it poses no health con-cerns. There are no fed-eral drink-ing water stan-dards for either sodium or methane. But EPA spokesman Roy Seneca says they did find methane and sodium above "trig-ger" lev-els in some households.
"This prompted us to do an ear-lier review by a tox-i-col-o-gist and to expe-dite a qual-ity assur-ance review should we need to take an imme-di-ate action to pro-vide water," wrote Seneca in an email response. "EPA con-ducted those reviews and found no health concerns."
Still, Switzer says she has mixed feel-ings about the results.
"I'd like to say it gives me a sense of relief because I can shower and do laun-dry," said Switzer. "But I'm not going to drink my water."
Switzer hasn't drank her water for four years, when she says it came out of her tap gray and foamy. The water is now clear, and she installed a vent to reduce the amount of methane in her well water, which she uses for bathing. But she says her water test results over those four years have fluc-tu-ated between drink-able and non-drinkable. So Switzer says she'll never know when the water could change for the worse.
"I will never feel secure enough to drink that water," she said.

Her neigh-bor Craig Saut-ner, agrees. “I would never ever, ever, drink that water again,” said Sautner. Sautner and Switzer are two of sev-eral res-i-dents suing Cabot Oil and Gas over the contamination.
But Anne Teel, a neigh-bor of Switzer and Saut-ner, says she feels per-fectly safe drink-ing her water. Teel’s water well was plugged up with sed-i-ment after gas drilling occurred nearby. But Teel says her water tests now show it’s clean. Cabot Oil and Gas pro-vided Teel with fresh water, but she says she and her hus-band have been using their well water for the past two years.
“I don’t know how many more times you can test the water,” said Teel. “And we’ve never had any-thing that’s shown we shouldn’t con-tinue to drink the water.”
Teel and her hus-band Ron leased their land to Cabot, which drilled its first test wells on their prop-erty. The Teels also had the EPA test their water recently, but it’s unclear if they have received results yet. The EPA tested about 60 house-holds, but not all of the water tests have been com-pleted. EPA spokesman Ron Seneca says the agency plans to release sets of tests each week for the next three weeks.
Cabot Oil and Gas released a state-ment say-ing the com-pany is “stead-fastly com-mit-ted to envi-ron-men-tal stew-ard-ship” and is happy with the EPA’s first 11 test results.
“We are pleased that data released by EPA today on sam-pling of water in Dimock con-firmed ear-lier find-ings that Dimock drink-ing water meets all reg-u-la-tory standards.”

AP: EPA: Water quality OK in Pa. gas drilling town
Federal environmental regulators said Thursday that well water testing at 11 homes in a northeastern Pennsylvania village where a gas driller was accused of polluting the aquifer failed to show elevated levels of contamination.
The Environmental Protection Agency, which is sampling well water at dozens of homes in Dimock, Susquehanna County, said initial test results "did not show levels of contamination that could present a health concern."
Dimock has been at the center of a fierce debate over the environmental and public health impacts of Pennsylvania's Marcellus Shale drilling industry.
State environmental regulators had previously determined that Houston-based Cabot Oil & Gas Corp. contaminated the aquifer underneath homes along Carter Road in Dimock with explosive levels of methane gas. Residents who are suing Cabot assert their water is also polluted with drilling chemicals. Many other residents of Dimock say that the water is clean and that the plaintiffs are exaggerating problems with their wells to help their lawsuit.
The federal environmental agency began testing the water in January, more than a month after the state Department of Environmental Protection allowed Cabot to stop delivering replacement water to about a dozen families.
The EPA said water samples from six of the 11 homes for which it received initial test results showed sodium, methane, chromium or bacteria, but at levels that did not exceed primary or secondary drinking water standards. Arsenic was found in the well water of two homes, but at levels that did not present a health hazard, regulators said.
Of the 11 homes, EPA has been delivering fresh water to three homes where it said prior test results had showed alarming levels of contamination. EPA said it will continue supplying water to the homes "while we perform additional sampling to ensure that the drinking water quality at these homes remains consistent and acceptable for use over time."
Dimock resident Scott Ely, who is among the plaintiffs suing Cabot, disputed the EPA interpretation of his test results. He said the results showed a range of contaminants at unsafe levels, including sodium and arsenic.
"We've had hundreds of tests done out here, and we've had so many different scientists say you have bad water here, there's not a doubt about it. And yet when the state and feds test our water, they say we can drink it," said Ely, who plans to meet with the EPA to review the test results. "Absolutely not."
Cabot said in a statement that it is pleased by the EPA test results and that it is "steadfastly committed to environmental stewardship, collaboration with state regulators, and compliance with all applicable federal, state and local laws."
The EPA is awaiting test results from more homes. Meanwhile, emails obtained by The Associated Press show that borough council members from nearby Montrose opposed an arrangement by which some Dimock residents have been using water drawn from Montrose's municipal supply. In one email, Councilman Sean Granahan wrote to other council members that Dimock residents were "looking to pirate our water and pocket the proceeds from their royalties and settlements."
The email was sent on Feb. 7, one day after council members abruptly walked out on a meeting where

two Dimock residents and two anti-drilling activists showed up to observe and record the council's discussion of the privately owned hydrant. Granahan did not immediately return a phone message left by AP on Thursday.

Scranton Times Tribune: First 11 Dimock homes sampled by EPA show no health concerns
By Laura Legere (Staff Writer)
Published: March 16, 2012
The first 11 Dimock Township water supplies tested by the U.S. Environmental Protection Agency did not reveal levels of contamination that could present a health concern, but the samples indicated the presence of arsenic and other compounds that will require further tests at some homes, the agency said Thursday.
Agency officials hand delivered test results to residents whose wells were sampled during the week of Jan. 23 and will meet again with the families individually to review the results and answer questions.
The first test results reported Thursday represent about a sixth of the data collected by the EPA over weeks of sampling in a nine-square-mile area of Dimock where the agency is investigating the potential impact of nearby natural gas drilling on water supplies.
In a statement Thursday, the EPA said samples from six of the 11 homes showed concentrations of sodium, methane, chromium or bacteria, but all were within the safe range for drinking water. The sampling results also identified arsenic in two homes' water supplies, both of which are being sampled again by the agency.
"Although the (arsenic) levels meet drinking water standards, we will resample to better characterize the water quality of these wells," EPA spokesman Roy Seneca said in the statement.
Three of the 11 homes tested during the first week of sampling are receiving replacement water deliveries from the EPA. Those deliveries will continue "while we perform additional sampling to ensure that the drinking water quality at these homes remains consistent and acceptable for use over time," Seneca said.
The agency began testing about 60 water wells in January after the EPA's review of past tests by the state and other groups raised concerns about contamination from Marcellus Shale drilling.
Seneca said that the agency will share more test results with Dimock homeowners "as further quality assured data becomes available for the remaining homes."
The statement released by the EPA did not include a complete list of the compounds detected in the first 11 water supplies.
In the test results given to the families, the EPA highlighted compounds found at concentrations that exceeded what the agency described as "trigger levels" based on risk-based screening levels or the standards for public drinking water supplies.
Although all of the results were reviewed by a toxicologist before they were presented to residents, compounds above a trigger level were reviewed sooner by toxicologists and processed quicker by the agency "should we need to take an immediate action to provide water," Seneca said.
"EPA conducted those reviews and found no health concerns," he said.
Dimock resident Scott Ely said his test results showed five compounds above their trigger levels, including arsenic, chromium, lithium, sodium and fluoride. The arsenic level in his well water, 7.6 micrograms per liter, was below the federal drinking water standard of 10 micrograms per liter but above the 3 micrograms per liter chronic drinking water screening level for children established by the Agency for Toxic Substances and Disease Registry.
Ely, who has three small children in his home, said the results reveal "nothing surprising: my water is contaminated."
The number of compounds in his water well that triggered an expedited toxicological review "just confirms that we have issues," he said.
The natural gas industry said that the results confirm that their operations have not affected drinking water.
George Stark, a spokesman for Cabot Oil and Gas Corp., the firm drilling extensively in the township, said the company is "pleased that data released by EPA today on sampling of water in Dimock confirmed earlier findings that Dimock drinking water meets all regulatory standards."
He said that the company will continue to work with the EPA as well as state and local regulators to address concerns in Dimock, but he chided federal regulators for intervening in the case.
"We hope that lessons learned from EPA's experience in Dimock will result in the agency improving cooperation with all stakeholders and to establish a firmer basis for agency decision making in the future," he said.

Bloomberg: EPA Clears Water in Pennsylvania Fracking Town After Complaints
By Mark Drajem on March 16, 2012

The water in 11 wells near Dimock, Pennsylvania, is safe, the U.S. Environmental Protection Agency said, disappointing residents and health groups who say the federal government should intervene in a dispute with Cabot Oil & Gas Corp. (COG)

In a statement released late yesterday, the EPA said its tests begun early this year found sodium, methane, chromium or bacteria, but at levels "within the safe range." Two wells were found to have elevated levels of arsenic, and the agency will do a second round of tests of those homes.

"If they say it's safe to drink, I want to see them come drink the water from my well," Craig Sautner, a local resident who is part of a lawsuit against Cabot, said in an interview. Sautner said his water is cloudy, and when he draws from his well he can hear gas gurgling in.

Residents in Dimock complained that hydraulic fracturing operations, or fracking, by Cabot near their homes had put methane in their water and endangered their health. Fracking is a process that injects water, sand and chemicals into deep shale formations to free trapped natural gas.

The residents' plight gained wider attention late last year after Cabot cut off water deliveries and activists such as the actor Mark Ruffalo traveled to the town to make their own deliveries.

Cabot said its tests of the water in the area last year turned up no signs of contaminants beyond legal limits.

Meeting Standards

"We are pleased that data released by EPA today on sampling of water in Dimock confirmed earlier findings that Dimock drinking water meets all regulatory standards," the company said in an e-mail yesterday.

A boom in gas production using hydraulic fracturing helped increase gas supplies, cutting prices 32 percent last year while raising environmental concerns about tainted drinking water. The EPA is studying the effects of fracking on water and weighing a series of nationwide regulations.

Dimock has been a test case for the agency as it interjected itself after state officials had settled with Cabot and allowed water deliveries to cease. The EPA initially pledged to send water to the town, and then reversed itself. A few days later it changed course again and said it would give water to a few households, and those deliveries will continue.

Groups such as the Sierra Club said they were disappointed in the EPA's announcement yesterday.

"EPA should be increasing the alarm about arsenic showing up at elevated levels near gas drilling," Iris Marie Bloom, the head of Protecting Our Waters, an anti-fracking group in Philadelphia, said in an e-mail. "I would not want to be drinking arsenic, and neither would you."

To contact the reporter on this story: Mark Drajem in Washington at mdrajem@bloomberg.net
To contact the editor responsible for this story: Steve Geimann at sgeimann@bloomberg.net

Betsaida Alcantara/DC/USEPA/US
04/17/2012 07:24 PM

To Windsor.Richard, Gilfillan.Brendan, "Stephanie Owens", "Diane Thompson", "Arvin Ganesan", "Bob Perciasepe", "Alisha Johnson"
cc
bcc
Subject Energy Breaking News

FYI

President Barack Obama will receive endorsements Wednesday from the Sierra Club, League of Conservation Voters, Clean Water Action and Environment America, according to an environmental political operative and a House Democratic source. The groups haven't confirmed on the record, but they have scheduled a 9 a.m. conference call with reporters to "make a major endorsement announcement for the 2012 election."

From: POLITICO Pro [politicoemail@politicopro.com]
Sent: 04/17/2012 07:11 PM AST
To: Betsaida Alcantara
Subject: Energy Breaking News

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Betsaida Alcantara/DC/USEPA/US
04/17/2012 07:52 PM

To Windsor.Richard, Gilfillan.Brendan, "Stephanie Owens", "Diane Thompson", "Arvin Ganesan", "Bob Perciasepe", "Alisha Johnson"
cc
bcc
Subject Politico Pro: Exclusive: Sierra Club, big green groups to endorse Obama

Full story below...

Exclusive: Sierra Club, big green groups to endorse Obama

By Darren Samuelsohn and Darren Goode
4/17/12 7:49 PM EDT

President Barack Obama will receive endorsements Wednesday from the Sierra Club, League of Conservation Voters, Clean Water Action and Environment America, according to an environmental political operative and a House Democratic source.

Officials at the environmental groups were mum, though they did tip their hands by announcing a 9 a.m. conference call with reporters to "make a major endorsement announcement for the 2012 election."

"I can tell you that we will not be endorsing Rick Santorum," Sierra Club Executive Director Michael Brune told POLITICO on Tuesday.

For the Sierra Club, the Obama endorsement will be the earliest ever given in a presidential contest. It backed John Kerry in May 2004 but didn't get behind President Bill Clinton's reelection bid until September 1996, a late date due to unhappiness over his signing of a 1995 budget bill including logging language green groups opposed.

The Sierra Club also endorsed Clinton's initial White House run in September 1992. It made its first presidential endorsement in its nearly 100-year history for Democrat Walter Mondale in September 1984.

LCV endorsed Kerry ahead of the New Hampshire primary in January 2004 — which is still the earliest endorsement since the group was founded in 1969.

In 2008, Obama received Sierra Club's endorsement in June and LCV's in July after his primary fight against Hillary Clinton.

While it's no surprise greens will back Obama, he still had some work to do to mend fences after failing to pass a comprehensive climate bill and then punting new smog limits.

Obama has thus far rebuked Republican efforts to expedite permitting of the Keystone XL pipeline, issuing repeated veto threats and calling Democratic senators to twist arms ahead of a key vote earlier this year.

On Tuesday, Obama again said he would reject a 90-day House Republican surface transportation law extension that would authorize TransCanada's proposed 1,700-mile project carrying crude oil from Alberta oil sands to Texas refineries.

The Sierra Club's Brune said it would be "a shot straight to the gut" if Obama were to fall on his sword and sign any measure authorizing the pipeline project.

"Our members would be furious and would express themselves," Brune said. "But it's not something that we expect will happen as the president indicated today."

Jonathan Allen contributed to this report.

To read and comment online:
https://www.politicopro.com/go/?id=10810<https://www.politicopro.com/go/?id=10810>

From: Betsaida Alcantara
Sent: 04/17/2012 07:24 PM EDT
To: Richard Windsor; Brendan Gilfillan; Stephanie Owens; Diane Thompson; Arvin Ganesan; Bob Perciasepe; Alisha Johnson
Subject: Energy Breaking News

FYI

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To: Betsaida Alcantara
Subject: Energy Breaking News

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Betsaida Alcantara/DC/USEPA/US
03/09/2012 08:56 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob, "Diane Thompson", "Brendan Gilfillan", "Sarah Pallone", "Arvin Ganesan", "Laura Vaught"
cc
bcc
Subject Politico Pro: Want states to lead on fracking? Join the club

Want states to lead on fracking? Join the club

By Darren Goode
3/9/12 8:16 AM EST

HOUSTON — Companies, governors from both parties and a leading environmentalist here say roughly the same thing about the regulation of natural gas and hydraulic fracturing: States must take the lead.

“It’s a good thing I’m a big fan of Lisa Jackson at the EPA,” Colorado Gov. John Hickenlooper told reporters at CERAWeek. “If anyone can do it and create national regulations that made sense, she’d be the first person that could do it.

“But I’m a governor,” the Democrat added. “Most governors are going to argue pretty strongly we should be able to create the regulations and we will be able to create regulations that are less onerous and yet more effective than blanket regulations that come out of Washington.”

“Look, I don’t want the federal government to be in the middle of this. But we’re willing to work with them,"said Ohio Gov. John Kasich, a Republican. He added, “We think we can handle this.”

Industry officials predictably had the same mindset.

“It really is a state issue,” said Steven Farris, chairman and CEO of Apache Corp., when asked about shale gas. “And states ought to take responsibility, and they are.”

Environmental Defense Fund President Fred Krupp said his group continues to advocate for a federal role.

“But while we’re going to continue to press the federal government to do what they can, a lot of the big progress that we’ve seen in the last 12 months has been at the state level,” Krupp told POLITICO. “Because of the dysfunction in Washington, I don’t think we are going to make a lot of progress [on] some of the issues where we need progress.”

Krupp was a member of Energy Secretary Steven Chu’s advisory committee on hydraulic fracturing — which last year recommended disclosing fracking fluid ingredients, installing “rigorous” air quality standards and improving public information and communication among state and federal regulators.

“Communities need protection now,” Krupp said. “So I’m for continuing to try to make progress on the federal level, but you know EDF is going to be spending more time and energy on the 14 states where 85 percent of the domestic resource is.”

Krupp spoke Wednesday before heading off to meet with environmentalists in Marcellus shale-rich Pennsylvania — where “there’s a lot more work that needs to be done.”

He praised Colorado for adopting a mandatory disclosure rule for chemicals “that’s the best in the country.” Wyoming and Colorado have good air emissions rules as well, while Ohio is considering some, he said.

“We’re looking at all kinds of approaches,” on regulating fracking, Kasich said. The Ohio governor is soon

unveiling an energy plan that includes requiring the disclosure of fracking fluids. “So we’re in sync really,” he said of environmentalists. “If you looked at our regulatory regiment, it’s pretty strong. I mean it’s very, very, very strong.”

The Interior Department is also coming out with draft hydraulic fracturing requirements soon to cover production on federal lands, and the EPA has proposed limiting air emissions.

President Barack Obama in his State of the Union speech praised fracking as a way to tap into shale gas that could create more than 600,000 jobs by the end of the decade.

His comments irked many environmentalists, though those like Krupp see the value of facing reality.

“We continue to promote solar and wind power as preferential to using natural gas, natural gas is a fossil fuel,” Krupp said. “But my point of view is, and I hope this comes across, is this country is using a heck of a lot of natural gas and communities are being impacted today, the atmosphere is being impacted today and we’ve got to get the rules right now because we’re not going to go cold turkey on natural gas tomorrow.”

The main issues surrounding natural gas production and fracking include methane gas emissions, well construction and integrity, disclosure of chemicals used in fracking, wastewater and the source of the water used for the production.

“Those are all real issues,” Krupp said. “Too many representatives of the business community have just denied that there are any problems and talked about people being emotional or that fracking doesn’t cause it.”

There is a growing chorus of friendly voices among companies, however.

“Over the last year, more and more industry people have been taking the viewpoint that there are real problems and we need regulations,” Krupp said.

The CEOs of Shell and Anadarko here this week backed regulations and the disclosing of fracking chemicals. Shell has publicly praised Colorado’s mandatory disclosure requirement — which also involved green groups like Sierra Club and Earthjustice — and Houston-based Southwestern Energy has agreed with environmentalists on a model statute for states regarding well construction and integrity, Krupp said.

“It’s a good step for a company to call for regulations. Where the rubber hits the road is when they get specific and you know where we can actually come to an agreement,” Krupp said. “When Shell Oil speaks out in Colorado in favor of the toughest mandatory disclosure rule in the country, that’s where the rubber hits the road.”

So are companies starting to get it? “I think a few are, but I think a lot more need to,” Krupp said.

Bob Perciasepe/DC/USEPA/US
07/27/2012 10:09 AM

To Arvin Ganesan
cc
bcc
Subject Re: Meeting on Shell's drilling plan

Arvin
We should likely do this, yes?

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) +1 202 368 8193

-----Athan Manuel <athan.manuel@sierraclub.org> wrote: -----
To: Bob Perciasepe/DC/USEPA/US@EPA
From: Athan Manuel <athan.manuel@sierraclub.org>
Date: 07/26/2012 02:59PM
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Subject: Meeting on Shell's drilling plan

Mr. Perciasepe - I am writing on behalf of a coalition of environmental groups, including Oceana, the League of Conservation Voters, Center for Biological Diversity, NRDC and others as well as the Sierra Club, to request a meeting to discuss Royal Dutch Shell's plans to drill in the Arctic Ocean this summer. While the Obama Administration has devoted considerable attention to this issue already, recent developments have significantly changed the decision-making landscape in ways we think are highly significant.

Since Shell received preliminary approvals for this summer, a cascade of revelations has shown it may not be nearly as able to limit harm and threats from drilling operations as it has claimed. We have many concerns with their drilling plans, especially their request to increase air pollution from its Arctic drilling rigs significantly. We met with Janet McCabe yesterday, but would also like to raise these issues with you.

We ask that you find some time in what we know to be a very busy schedule, to discuss how this Administration can responsibly deal with the growing uncertainty about Shell's readiness, and ensure that drilling does not proceed until and unless the extraordinarily rich and vulnerable public resources of the Chukchi and Beaufort Seas are securely protected.

Thank you for your consideration. Feel free to reply to the email or to call me at one of the numbers below. - Athan

--
Athan Manuel

Director, Lands Protection Program
Sierra Club
50 F St. NW, Eight Floor
Washington, DC 20001
Direct line: 202-548-4580
Fax: 202-547-6009
Cell: 202-716-0006

Bob Perciasepe/DC/USEPA/US
05/21/2012 09:43 AM

To Bob Sussman
cc
bcc
Subject FW: Article

More

Bob Perciasepe
Deputy Administrator
(o) 202 564 4711
(c) (b) (6)
----- Forwarded by Bob Perciasepe/DC/USEPA/US on 05/21/2012 09:43:08 AM-----

-------- Original Message --------

From : "Robert 'Mike' McGhee" <rmcghee2@bellsouth.net>
To : Nancy Stoner/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Cc :
Sent on : 05/21/2012 08:25:25 AM
Subject : Article

EPA Probes for Conflicts of Interest
Should Start In Their Own Building

(Tallahassee, FL – May 17, 2012) Prompted by a petition from two environmental interest groups, the EPA is searching for conflicts of interest among Florida's environmental officials.

"If EPA is on the hunt for conflicts of interest they can start in their own building," said Ryan Houck, executive director of Free Market Florida. "Many of EPA's top brass have extensive ties to environmental litigation groups with a clear financial interest in the outcome of major permitting battles. Somehow, I doubt the Florida Clean Water Network or PEER will be calling for their firing."

Many of EPA's top regulators are former staffers for major environmental litigants, which frequently bring suit against the agency over permitting issues. These environmental interest groups have a direct financial stake in the outcome of litigation with the EPA, which includes their ability to request attorney's fees through the Equal Access to Justice Act. Recently, EPA has drawn fire for its "sue-and-settle" formula—a process by which environmental groups bring suit against the EPA in order to trigger a rulemaking process that results in new regulations.

"The EPA has ceased to be an impartial referee on permitting matters," said Houck. "They've strapped on pads and are on the field playing for environmental extremists. It's exactly what you'd expect from a system wherein environmental interest groups serve as de facto farm teams for EPA. It's just laughable that environmental litigants are now pointing the finger at others."

A brief list of senior EPA officials who have formerly worked at environmental interest groups that often

sue the EPA:

Nancy Stoner, Interim Assistant Administrator of Water
Formerly Worked for: Natural Resources Defense Council

Glenn Paulson, Chief Scientist
Formerly Worked for: Natural Resources Defense Council

Michael L. Goo, Associate Administrator for the Office of Policy
Formerly Worked for: Natural Resources Defense Council

Bob Perciasepe, Deputy Administrator
Formerly Worked for: National Audubon Society

Cynthia Giles, Assistant Administrator for Enforcement & Compliance
Formerly Worked for: The Conservation Law Foundation's Advocacy Center

Michelle J. DePass, Asst. Administrator for the Office of International and Tribal Affairs
Formerly Worked for: The New York City Environmental Justice Alliance

Mathy Stanislaus, Assistant Administrator for Solid Waste
Formerly Served on the Board of: NYC Environmental Justice Alliance

Curt Spalding – Region 1 Director
Formerly Worked for: “Save the Bay” and “Narragansett Bay Keeper”

Judith A. Enck – Region 2 Director
Formerly Worked for: New York PIRG and Environmental Advocates of New York

Susan Hedman – Region 5 Director
Formerly Worked for: Environmental Law and Policy Center and Center for Global Change

Karl Brooks – Region 7 Director
Formerly Worked for: Idaho Conservation League

James B. Martin – Region 8 Director
Formerly Worked for: Environmental Defense Fund

Jared Blumenfeld – Region 9 Director
Formerly Worked for: Sierra Club Legal Defense Fund, the NRDC and International Fund for Animal Welfare

Free Market Florida is a free market watchdog group affiliated with the newly launched Free Market America. The organization emerged from a coalition of business and civic leaders which, in 2010, led the successful “Vote No on 4” campaign, garnering 67 percent of the vote.

- wide.1.png

Brendan Gilfillan/DC/USEPA/US
08/08/2012 06:44 PM

To 32700251, "Bob Perciasepe", "James O'Hara"
cc
bcc
Subject Politico: Obama's pro-coal ad irks both greens and industry

Obama's pro-coal ad irks both greens and industry

By Andrew Restuccia
8/8/12 5:41 PM EDT

The Obama campaign is taking heat from progressive and green allies over its attempt to cozy up to coal in some battleground states.

And industry advocates say they find the president's pro-coal gambit utterly unconvincing.

"The administration's record speaks louder than its advertising," National Mining Association spokesman Luke Popovich said Wednesday, pointing to tightened EPA regulations on pollution from coal-burning power plants.

"No matter how big its ad buy, the administration is unlikely to win support with these policies."

Perhaps the most aggressive attempt to boost President Barack Obama's coal credentials is a radio ad< http://www.politico.com/politico44/2012/08/new-obama-ad-hits-romney-on-coal-kills-people-remarks-131196.html> in Ohio that touts< http://thinkprogress.org/climate/2012/08/07/651191/its-a-mad-mad-world-obama-ad-touts-coal-record-slams-romney-for-having-admitted-coal-plants-kill-people/> the administration's promotion of "clean coal" and takes aim at Mitt Romney for denouncing a Massachusetts coal-fired power plant in 2003.

Romney, who was governor at the time, said: "I will not create jobs or hold jobs that kill people. And that plant, that plant kills people."

Of course, Obama's own EPA is imposing regulations based on studies that estimate< http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/bd8b3f37edf5716d8525796d005dd086!opendocument> how many deaths and illnesses occur each year because of air pollution from coal-burning plants. And as Mother Jones magazine < http://www.motherjones.com/blue-marble/2012/08/obama-ad-knocks-romney-saying-true-things-about-coal>noted this week, then-Sen. Joe Biden said in 2008 that "hundreds of thousands of people die and their lives are shortened because of coal plants, coal-fired plants and because of corn syrup."

Progressives have leaped on the Obama radio spot, which the activist group CREDO Action labeled< http://act.credoaction.com/campaign/ofa_coal_ad/> a "cynical pro-coal ad."

CREDO has posted an online petition urging the Obama campaign to pull the ad.

"Part of leadership is having the courage to tell the truth even when it's difficult," the petition says. "And right now we need leadership from President Obama to overturn a decision by his campaign to run radio ads in Ohio which promote coal and incredibly actually criticize Mitt Romney for saying (when he was a different person, in 2003) that the pollution from coal plants kills people."

The Sierra Club, a vocal critic of coal-fired power, similarly criticized the ad while stressing that the group stands behind the president.

"We strongly disagree with the president on this matter," Cathy Duvall, director of public advocacy and partnerships at the Sierra Club, said in a statement to POLITICO. "But, we do agree with him that we

need to hold dirty coal companies accountable, clean up our air and water, and double down on clean energy to create new American jobs."

Republicans have pounced as well. The RNC organized a call this week for Ohio reporters defending Romney's record on coal.

"I think it's absolutely irresponsible for the administration to be attacking Gov. Romney on his position on coal," Rep. Bill Johnson (R-Ohio) said, according to a transcript of the call. "I mean, when you look at the fact that before this administration came into office, it began to launch its war on coal and it has sustained and escalated that war that has cost jobs, that has cost American consumers."

Johnson cited Biden's 2008 coal comments.

The Romney campaign similarly dismissed the advertisement. "President Obama's policies have devastated the coal industry and we are seeing the results firsthand," Romney spokeswoman Amanda Henneberg said.

On the other hand, Romney's campaign did not respond to questions from POLITICO about whether he still believes that coal plants kill people.
The Obama campaign did not immediately respond to a request for comment.

The ad has been running in rural parts of Ohio including Columbiana County, just west of the Pennsylvania line, according to The Vindicator< http://www.vindy.com/news/2012/aug/07/obama-radio-ad-targeting-ohio-blasts-rom/> in Youngstown.

The Ohio ad marks the latest push by the campaign and the administration to counter GOP attacks on the president's coal stance.

The campaign, for example, hastily added a section< http://www.politico.com/politico44/2012/05/what-happened-with-clean-coal-123195.html> on "clean coal" to Obama's website earlier this year after Republicans slammed the president for not originally including it in a description of his energy plan.

And White House energy adviser Heather Zichal has spoken publicly about the administration's efforts to support clean coal technology. Coal has been "a crucial energy source in the past. It's a crucial energy source today," she said<https://www.politicopro.com/story/energy/?id=11453> in May.

At the same time, United Steelworkers President Leo Gerard, a top Obama supporter, wrote an op-ed< http://www.post-gazette.com/stories/opinion/perspectives/our-pro-coal-president-645289/> in the Pittsburgh Post-Gazette in July lauding "our pro-coal president."

The Obama administration has funneled billions of dollars into "clean coal" technology like carbon capture and sequestration in the hopes of cutting harmful pollution from coal-fired power plants. But large-scale CCS deployment faces an uphill battle<http://www.politico.com/news/stories/0712/78361.html> without a price on carbon — something the failed cap-and-trade legislation would have provided.

Meanwhile, the EPA is moving forward with a several regulations aimed at reducing emissions from power plants that the agency says pose a risk to public health by increasing the likelihood of respiratory problems, heart attacks and even premature death.

Brendan Gilfillan/DC/USEPA/US
05/04/2012 05:51 PM

To Perciasepe.Bob, Sussman.Bob, "Diane Thompson", "Nancy Stoner", "Ken Kopocis", "Arvin Ganesan", "David Bloomgren"
cc
bcc
Subject Politico: EPA tries to define 'diesel' for fracking oversight

EPA tries to define 'diesel' for fracking oversight

By Talia Buford
5/4/12 5:46 PM EDT

EPA wants help defining diesel fuel.

In a draft permitting guidance released Friday for wells that use diesel fuels in hydraulic fracturing, EPA listed synonyms for the types of fuel it considers diesel. The agency is requesting input on the description through public comment.

EPA singled out fuels that either have the chemical composition of diesel or have "diesel" in their name. The fluids to be regulated, identified by their Chemical Abstracts Service registry numbers, include those commonly known as diesel fuel, fuel oils such as gas oil or heating oil, kerosene and crude oil.

The proposal would guide local EPA administrators in determining whether a well is subject to existing regulations on underground injections.

"EPA's goal is to provide greater regulatory clarity and certainty to the industry, which will in turn improve compliance with the [Safe Drinking Water Act] requirements and strengthen environmental protections consistent with existing law," the agency said, adding that the guidance imposes no new requirements.

The SDWA required EPA to establish a program to monitor substances injected underground that could contaminate drinking water. Operators must get a permit before performing the injections.

In 2005, Congress amended the law to exempt hydraulic fracturing, except when diesel fuel is among the substances injected.

EPA's action Friday drew criticism on two fronts — from industry supporters who called the definition of diesel fuel too sweeping, and from environmental groups that want the agency to ban diesel injections outright.

Sen. Jim Inhofe (R-Okla.) said the EPA guidance was the "second attempt today to put forth rules that will severely hinder hydraulic fracturing and therefore the development of America's vast natural resources." He was referring to an earlier release by the Interior Department of draft rules governing fracking on federal lands.

"The broader the definition of 'diesel fuel,' the greater the chance the federal government can step in to stifle hydraulic fracturing, which is exactly what this guidance is designed to do," Inhofe said.

Inhofe was among a bipartisan group of senators who in December sent a letter< http://epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=94fef9ce-be8e-4efc-a861-75725e4324ae> to the EPA expressing concern about the way the agency was moving forward to regulate diesel fuels.

Meanwhile, five environmental groups — the Sierra Club, Earthworks, Clean Water Action, the Natural Resources Defense Council and Earthjustice — said EPA should just ban diesel injections.

"The reason EPA is engaged in an arcane discussion about the definition of diesel is because the drilling

industry has exempted itself from regulation when it comes to the hundreds of other chemicals it injects underground," said Dusty Horwitt, senior counsel for the Environmental Working Group. "Industry's arguments that they are overregulated are preposterous when it's taken EPA seven years to even get to define the one chemical that they have the power to regulate in hydraulic fracturing."

"It's no secret that diesel is dirty and dangerous, and belongs nowhere near our drinking water," Michael Brune, executive director of the Sierra Club, said in a statement.

Until the guidance is made final, the agency says it will conduct permitting on a case-by-case basis, not taking the draft guidance into account. A 60-day comment period will begin once the draft guidance is posted in the Federal Register.

According to an August analysis of fracking fluid disclosures on FracFocus, a chemical disclosure website, EPA estimates that the permitting requirements would apply to roughly 2 percent of hydraulically fractured wells. That's not taking into account any changing technology or industry practices that would phase out the use of diesel fuel in fracking.

In 2010, two industry trade organizations sued EPA, arguing that language on the agency's website gave EPA power to regulate the use of diesel fuels in hydraulic fracturing and constituted a new requirement and a departure from long-held practices. They said the agency's definition of diesel was too broad.

Brendan Gilfillan/DC/USEPA/US
05/29/2012 12:42 PM

To: Richard Windsor, Bob Perciasepe, Diane Thompson, Arvin Ganesan, Bob Sussman
cc:
bcc:
Subject: Fw: RELEASE: New Poll Shows Protecting America's Waterways is Good Policy and Good Politics

----- Forwarded by Brendan Gilfillan/DC/USEPA/US on 05/29/2012 12:41 PM -----

From: "Patel, Rohan" <Rohan_Patel@ceq.eop.gov>
To: Arvin Ganesan/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, "'Robert.Bonnie@osec.usda.gov'" <Robert.Bonnie@osec.usda.gov>
Date: 05/29/2012 12:41 PM
Subject: Fw: RELEASE: New Poll Shows Protecting America's Waterways is Good Policy and Good Politics

Fyi

From: Shelley Vinyard [mailto:shelley@environmentamerica.org]
Sent: Tuesday, May 29, 2012 12:34 PM
To: Patel, Rohan
Subject: RELEASE: New Poll Shows Protecting America's Waterways is Good Policy and Good Politics

Hi Rohan--Hope you had a good Memorial Day weekend. FYI, we sent this out today.

-Shelley

FOR IMMEDIATE RELEASE: May 29, 2012

Contact:
Shelley Vinyard, Environment America (202) 461-2465, shelley@environmentamerica.org
Liz Judge, Earthjustice, (202) 797-5237, ljudge@earthjustice.org
Jan Goldman-Carter, National Wildlife Federation, (202) 797-6894, goldmancarterj@nwf.org
Lynn Thorp, Clean Water Action, (202) 895-0420 x. 109, lthorp@cleanwater.org
Suzanne Struglinski, Natural Resources Defense Council, (202) 289-2387, sstruglinski@nrdc.org
Trey Pollard, Sierra Club, (202) 495-3058, trey.pollard@sierraclub.org
Amy Kober, American Rivers, (503) 708-1145, akober@americanrivers.org
Lea Brumfield, League of Conservation Voters, (202) 454-4559, lea_brumfield@lcv.org
Jay Campbell, Hart Research Associates, (202) 234-5570

New Poll Shows Protecting America's Waterways is Good Policy and Good Politics

WASHINGTON, D.C.— A new poll commissioned by the nation's leading environmentalists and sportsmen organizations in key Great Lakes and Rocky Mountain states shows that the public overwhelmingly supports an Obama administration proposal to restore protections for America's rivers, lakes, streams, and wetlands.

The poll confirms that – across party lines and in all age groups – voters demand clean water for safe drinking water and oppose the pollution of places where their families fish and swim. This poll comes at a time when the Obama administration is set to finalize its Clean Water Act guidance, yet the House majority is preparing to ignore the will of the public and instead continue dirty water politics.

Three-quarters (75%) of the likely voters surveyed in Ohio and nearly seven in ten (67%) Colorado respondents support the President's proposal to restore clean water safeguards, with support strong across political affiliations.

The poll was released as the U.S. House of Representatives is poised to vote on the House Energy and Water Development and Related Agencies Appropriations Act (H.R. 5325) next week. The bill includes a provision to block the President from restoring critical clean water protections. However, the poll's findings indicate that blocking those protections could be a political dead end for many in Congress. Two-thirds of Ohioans and Coloradoans (66%) say they would feel more favorable toward their Representative if he or she supported the restoration of clean water protections, including more than 60% of independents in both states.

"The voters' message is clear: we want our water to be clean and safe and we support restoring Clean Water Act protections to achieve this," said **Jay Campbell, Vice President for Hart Research Associates**. "Their support is extraordinary in both its depth and its breadth. Given the contentiousness we see on nearly every issue, when you have an idea that large majorities of Republicans, independents, and Democrats all agree on you know you have something that is both good policy and good politics."

The poll was conducted in urban, suburban, and rural areas in Colorado and Ohio. Major findings of the poll include:

1. There is extensive support in Colorado and Ohio for restoring clean water protections. Not only is this support more intense than the opposition, but also it is shared broadly across party lines.
2. Supporting clean water protections can be a winning political issue for both Congress and the President.
3. Messages in favor of the proposal to restore clean water protections are much stronger than arguments in opposition to the proposal.

(The full summary of the poll's findings can be found **here**.)

"From fishing in the Great Lakes to kayaking on the Colorado River, this poll is further proof that protecting our waterways is enormously popular and important," said **Margie Alt, Executive Director of Environment America.** "Unfortunately many of the waterways we love and cherish still are inadequately protected. It's time for President Obama to stand up for our waterways and finalize these critical protections."

"We have no time to waste if we hope to protect our valuable streams and wetlands and the billions of dollars in economic activity that hunting, fishing and other outdoor recreation around our nation's waterways generate every year," said **National Wildlife Federation President Larry Schweiger.**

"Rivers and streams supply most of our drinking water. Their protection is vital to the health of our families and communities," said **Wm. Robert Irvin, President of American Rivers.** "It is time for Congress and the administration to restore clean water protections that benefit our public health, economy, wildlife, and recreation. If we want healthy communities, we need healthy rivers."

"These findings make one thing clear: The American people expect our elected leaders to protect our rivers, streams, and drinking water - and they'll remember who took their side on this issue," said **Michael Brune, Executive Director of the Sierra Club.** "It's time Congress listened, stopped the obstructions, and acted quickly to restore these critical protections that keep our waterways and our families healthy."

"It is no surprise that Americans overwhelmingly support protecting our nation's waterways," said the **League of Conservation Voters President Gene Karpinski.** "It is past time that our elected officials act to protect the network of rivers and streams that provide safe drinking water to millions and safe areas for fishing and swimming."

"The streams and wetlands at issue here are vital parts of our nation's water infrastructure because they filter pollution, prevent floods and affect the drinking water of over 117 million Americans. Clarifying protection for these vulnerable water bodies is an important step forward," said **Clean Water Action President Robert Wendelgass.**

"Preventing pollution of the nation's waters will better protect Americans' health," said **Frances Beinecke, President of NRDC.** "People want safe places to swim and fish. They want reliable drinking water supplies and

natural barriers against flooding. This poll shows that they expect leaders in Washington to support policies that safeguard our waters. That's true in Colorado and Ohio, and it's true all across our country."

"Our waters are where our families swim, fish, and where we get our drinking water, so it's no surprise that this poll shows that Americans are overwhelmingly demanding strong clean water protections," said **Joan Mulhern, senior legislative counsel of Earthjustice**. "For the American people, unlike our Congress, politics vanish when it comes to protecting their communities' waterways, because Americans want safe, swimmable, fishable, drinkable waters for themselves and their families."

The findings of this poll echo the immense public support these protections have consistently enjoyed across the country, from more than 200,000 concerned citizens, more than 450 elected officials, hundreds of sportsmen organizations, more than 140 local farmers, dozens of recreational businesses, and many more.

The poll was commissioned by American Rivers, Clean Water Action, Clean Water Network, Earthjustice, Environment America, the Izaak Walton League of America, the League of Conservation Voters, the National Wildlife Federation, Natural Resources Defense Council, Sierra Club, and Waterkeeper Alliance.

ONLINE PRESS RELEASE:
http://www.environmentamerica.org/news/ame/new-poll-shows-protecting-america%E2%80%99s-waterways-good-policy-and-good-politics

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Shelley Vinyard
Clean Water Advocate
Environment America
218 D St. SE, 2nd fl.
Washington, DC 20003
202.461.2465

Brendan Gilfillan/DC/USEPA/US
05/03/2012 04:05 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Jim Martin, Lek Kadeli, Arvin Ganesan, Sarah Pallone, Janet Woodka
cc
bcc
Subject AP Exclusive: Wyo. got EPA to delay frack finding

http://www.foxnews.com/us/2012/05/03/ap-exclusive-wyo-got-epa-to-delay-frack-finding/

Mead Gruver, AP

Published May 03, 2012

Wyoming's governor persuaded the head of the U.S. Environmental Protection Agency to postpone an announcement linking hydraulic fracturing to groundwater contamination, giving state officials — whom the EPA had privately briefed on the study — time to attempt to debunk the finding before it rocked the oil and gas industry more than a month later, an investigation by The Associated Press has found.

During the delay, state officials raised dozens of questions about the finding that the controversial procedure that has become essential to unlocking oil and gas deposits in Wyoming and beyond may have tainted groundwater near the gas patch community of Pavillion.

Gov. Matt Mead contacted EPA Director Lisa Jackson and persuaded her to hold off any announcement, according to state emails and an interview with the governor. The more than 11,000 emails made available to AP in response to a state records request show that Wyoming officials took advantage of the postponement to "take a hard line" and coordinate an "all-out press" against the EPA in the weeks leading up to the announcement Dec. 8.

Meanwhile, the chief state regulator of oil and gas development fretted over how the finding would affect state revenue.

And even as the state questioned the EPA's science, there were internal doubts about how effective those objections would be.

"It's already too late. The White House has already seen the report with conclusions," wrote Gary Strong, an engineer with the Wyoming Oil and Gas Conservation Commission, following a presentation by EPA deputy assistant regional administrator Martin Hestmark. The emails indicate that the federal agency was being pressed by the White House to release its report.

But the state's questions did set the stage for additional groundwater and household well water sampling in the Pavillion area that began a couple weeks ago.

The struggle by both Wyoming officials and the EPA for message control shows the extent to which they fretted about the findings. Wyoming depends on oil and gas for its economic

well-being while environmentalists have pushed the Obama administration to crack down on a process responsible for increasing U.S. onshore production.

The worry wasn't misplaced: Though the findings were unique to Pavillion, they ricocheted amid heightened scrutiny of fracking in other drilling regions including the Marcellus Shale states of New York, Ohio and Pennsylvania.

The emails also suggest an uneasy partnership now that the EPA and Wyoming, as well as U.S. Geological Survey and two American Indian tribes, say they are working together on further study of the Pavillion groundwater.

However, some recent re-sampling by the EPA of household well water in the Pavillion area took Mead and other state officials by surprise. They had presumed that only two monitoring wells the EPA had drilled to test for groundwater pollution would be retested this spring.

"I won't tell anybody not to test. But if you're going to test, you need to bring everyone in the process," Mead said in an interview Monday.

The EPA did not make Jackson available for an interview. EPA Region 8 Director Jim Martin said in a statement through spokesman Richard Mylott that the EPA "has been transparent and has relied on the best science" to inform Pavillion-area residents about their water.

Environmentalists including the Natural Resource Defense Council and Sierra Club have looked to the Obama administration EPA to get tougher on fracking, the practice of cracking open oil and gas deposits by pumping pressurized water, fine sand and chemicals down well holes. They maintain that fracking is a threat to clean groundwater.

The EPA study in the Pavillion area followed years of complaints from homeowners that their well water took on a chemical stink around the time that fracking picked up in their neighborhood about eight years ago. Environmentalists welcomed the draft report as validation of their concerns.

Wyoming is the third-ranked state for onshore gas production and ninth for onshore oil production. Nearly every new oil and gas well in Wyoming that isn't a coal-bed methane well is fracked.

In internal emails that followed the Nov. 4 briefing, state officials expressed support for fracking as critical to oil and gas extraction, a $7.7 billion a year industry in Wyoming that accounts for 20 percent of the state's gross domestic product.

"The limiting of the hydraulic fracturing process will result in negative impacts to the oil and gas revenues to the state of Wyoming. A further outcome will be the questioning of the economic viability of all unconventional and tight oil and gas reservoirs in Wyoming, across the United States, and ultimately in the world," wrote Tom Doll, supervisor of the Oil and Gas Conservation Commission, in a long email that circulated among top state officials.

Wyoming's top state regulator of oil and gas development, including essentially all fracking in the state, Doll was a district manager for Tulsa, Okla.-based Williams Production Company until 2008.

The spark for Doll's missive was the closed-door meeting at Wyoming Department of Environmental Quality headquarters in Cheyenne two days earlier. EPA administrator Martin briefed Wyoming officials about what the EPA was about to announce based on its research in Pavillion. Doll took part by phone.

"Contaminants present at high concentrations in the deep monitoring wells are likely a result of hydraulic fracturing," read a "Key Findings" slide in an EPA PowerPoint shown at the meeting. Each slide was marked "Confidential--Do Not Disclose."

The public announcement more than a month later stated that the groundwater "contains compounds likely associated with gas production practices, including hydraulic fracturing."

The EPA also suggested at the private meeting that gas development likely had contaminated household well water in the Pavillion area but that current data did not definitively support such a link. The EPA has made no such claim in public to date.

Emails show that Mead sought to reach Jackson within hours. Mead confirmed that he got her to hold off on the findings report until state officials could review the data.

"When I talked to Lisa Jackson they were going to release the findings regardless. That wasn't even the question. The question was on the timing of it. We wanted a chance to see what are they basing this on," Mead told the AP.

"She said, 'Well, maybe we can hold off a couple weeks to give you guys this data.'"

The EPA released raw data on pollution in the two monitoring wells at a public meeting in Pavillion on Nov. 9, five days after the private state briefing. Among the pollutants was the carcinogen benzene as high as 50 times the EPA limit. The EPA showed a PowerPoint similar to the one shown at the private meeting but without announcing any findings. There was no "Key Findings" slide.

Releasing the data and findings outside of the purview of two "working groups" angered state regulators. The working groups made up of state and EPA officials had been examining the Pavillion pollution for the better part of a year.

Wyoming didn't take the news from the private EPA briefing sitting down.

The state could "get ahead of the curve" by assigning its own experts to review the data, suggested John Corra, the environmental quality director.

"Sort of an all out press," Corra wrote to Doll and others Nov. 7.

Doll suggested to Corra and others in a Nov. 19 email that Wyoming take "a hard line" after one EPA official told them to drop their concerns.

"EPA has not substantially defended their explanation, the data is questionable on many levels, and EPA has ignored our alternative explanations," Doll wrote.

Dozens of questions from state regulators followed. They included why the monitoring well water samples had high pH readings. The EPA report referred to the high pH and mentioned the detection of potassium hydroxide, a basic chemical used in fracking.

Pavillion residents didn't hear about the finding before the public announcement, said John Fenton, chairman of Pavillion Area Concerned Citizens.

Fenton said he was unhappy that regulators hadn't kept local residents fully apprised of the latest developments concerning their water supply. Yet he held EPA in higher regard than the state officials he said ignored Pavillion for years, prompting residents to request the EPA investigation.

"Those of us living out here, we don't trust the state," he said.

State officials actively kept the media in the dark about the upcoming EPA announcement, even as reporters questioned them about the data.

"My sense is that the reporter was searching for a conflict to write about, and I tried to head that off," Corra wrote Nov. 29 to several other state officials about one reporter's questions.

Another state regulator suggested that Wyoming officials keep in mind how they're perceived while they questioned the EPA data.

"This could go on for a long time, during which we'll likely continue to be in an adversarial discussion with EPA, the public and the press," the Department of Environmental Quality's groundwater chief, Kevin Frederick, wrote to Corra on Dec. 2. "Is there a way to shift the focus of discussion to show the State in a more positive light while the present uncertainties continue to simmer?"

The additional sampling since agreed to has extended the study of the Pavillion groundwater. Peer review of the sampling results, set to begin this spring, now is scheduled for this fall.

Brendan Gilfillan/DC/USEPA/US
03/26/2012 08:13 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane, Alcantara.Betsaida, "Arvin Ganesan", "Michael Goo", "Bob Sussman", "Gina McCarthy", "Joseph Goffman"
cc
bcc
Subject FYI - WaPo story

Below

From: Brendan Gilfillan [redacted]
Sent: 03/26/2012 08:07 PM AST
To: Brendan Gilfillan

EPA to impose first greenhouse gas limits on power plants
By Juliet Eilperin, Monday, March 26, 7:24 PM

The Environmental Protection Agency will issue the first limits on greenhouse gas emissions from new power plants as early as Tuesday, according to several people briefed on the proposal. The move could end the construction of new conventional coal-fired facilities in the United States.

The proposed rule — years in the making and approved by the White House after months of review — will require any new power plant to emit no more than 1,000 pounds of carbon dioxide per megawatt of electricity produced. The average U.S. natural gas plant, which emits between 800 and 850 pounds of CO2 per megawatt, meets that standard; coal plants emit an average of 1,768 pounds of carbon dioxide per megawatt.

Industry officials and environmentalists said in interviews that the rule, which comes on the heels of tough new requirements that the Obama administration imposed on mercury emissions and cross-state pollution from utilities within the past year, dooms any proposal to build a new coal-fired plant that does not have costly carbon controls.

"This standard effectively bans new coal plants," said Joseph Stanko, who heads government relations at the law firm Hunton and Williams and represents several utility companies. "So I don't see how that is an 'all-of-the-above' energy policy."

The rule provides an exception for coal plants that are already permitted and beginning construction within a year. There are about 20 coal plants now pursuing permits; two of them are federally subsidized and would meet the new standard with advanced pollution controls.

The White House declined to comment. President Obama does not mention coal as a key component of the nation's energy supply in speeches about his commitment to exploiting oil and gas reserves and renewable sources.

The proposal does not cover existing plants, although utility companies have announced that

they plan to shut down more than 100 boilers, representing more than 40 gigawatts of capacity — nearly 13 percent of the nation's coal-fired electricity — rather than upgrade them with pollution-control technology.

Michael Brune, executive director of the Sierra Club, said the new rule "captures the end of an era" during which coal provided most of the nation's electricity. It currently generates about 40 percent of U.S. electricity.

The power sector accounts for 40 percent of the nation's greenhouse gas emissions, and Brune said it is "the only place where we're making significant progress" at curbing greenhouse gas emissions linked to climate change, adding "at the same time, it's not sufficient."

Cheap natural gas is also contributing to the closure of aging coal-fired plants, as many utilities switch over to gas plants, which have about half the carbon emissions.

"Gas is contributing to the closure of these plants," Dominion Resources chief executive Thomas F. Farrell II said in an interview last week. But Farrell, who also chairs the Edison Electric Institute, the utility trade association, added, "It's not all EPA. It's a combination of low gas prices and EPA working at the same time."

Still, National Mining Association spokesman Luke Popovich said the proposal shows that Obama is following through on his pledge to reduce greenhouse gas emissions through means other than legislation.

"After Congress refused to pass carbon caps, the administration insisted there were other ways to skin the cat and this is another way — by setting a standard deliberately calculated to drive affordable coal out of the electricity market," Popovich said.

Conrad Schneider, advocacy director for the Clean Air Task Force, said the proposed rule will ensure a cut in the nation's carbon output even if gas prices spike. He cited four planned coal plants that would capture part of their carbon emissions and store them, largely by injecting them into depleted wells to enhance oil recovery. "We need regulatory signals and economic incentives" to make these projects economical, Schneider said.

The EPA rule, called the New Source Performance Standard, will be subject to public comment for at least a month before being finalized, but its backers said they were confident that the White House will usher it into law before Obama's first term ends.

"The Obama administration is committed to moving forward with this," said Nathan Willcox, federal global warming program director for the advocacy group Environment America. "They're committed to doing it this, and we're committed to helping them do it."

Cris Costello
<cris.costello@sierraclub.org>
11/26/2012 04:40 PM

To LisaP Jackson

cc "coby.dolan@mail.house.gov", Bob Sussman, "JCarson@WHO.EOP.Gov", "susie_perezquinn@billnelson.senate.gov", Bob Perciasepe

bcc

Subject Florida's proposed nutrient pollution water quality standards for fresh and marine waters

Please find attached a letter from 23 Florida-based organizations and businesses regarding Florida's proposed numeric nutrient pollution water quality standards for fresh and marine waters.

Sincerely,

Cris Costello
Regional Organizing Representative
Sierra Club
2815 Proctor Road
Sarasota, FL 34231-6443
Office: 941-922-2900
Cell: 941-914-0421
cris.costello@sierraclub.org
http://www.facebook.com/FloridaSlimeCrimes
Florida "Slime Crime Tracker": http://goo.gl/maps/uJEE

NNC Letter.Lisa Jackson.November 26 2012.docx

David Marchick <David.Marchick@carlyle.com >	To	Bob Perciasepe
	cc	
06/26/2012 09:13 PM	bcc	
	Subject	Fwd: Landmark Decision from Federal Court Upholds Clean Air Rules

FYI

Sent from my iPad

Begin forwarded message:

> **From:** Fred Krupp <fkrupp@edf.org>
> **Date:** June 26, 2012 5:35:23 PM EDT
> **To:** "david.marchick@carlyle.com" <david.marchick@carlyle.com>
> **Subject: Landmark Decision from Federal Court Upholds Clean Air Rules**
>
> Today is a good day for climate progress in America and for the thin layer of atmosphere that sustains life on Earth.
>
> This morning the U.S. Court of Appeals for the D.C. Circuit upheld the Environmental Protection Agency's (EPA) climate pollution emission standards, rejecting four legal challenges filed by industry groups and several states' attorneys general. As reported by the Associated Press, "The ruling is perhaps the most significant to come on the issue since 2007, when the Supreme Court found that greenhouse gases could be controlled as air pollutants under the Clean Air Act."
>
> The court ruled in favor of clean air protections in four major cases, denying petitions against the Climate Pollution Endangerment Finding and the Clean Car Standards and dismissing petitions against the Timing and Tailoring Rules. The opinion is unanimous, strong and emphatic in rejecting a challenge to EPA's science-based determination that greenhouse gases endanger human health and welfare. One piece of common sense stood out in today's ruling: "This is how science works. EPA is not required to re-prove the existence of the atom every time it approaches a scientific question." Hear, hear!
>
> Environmental Defense Fund (EDF), together with a large coalition of states and environmental organizations, intervened in defense of these vital clean air protections. I am enormously grateful to our dedicated and talented climate and air attorneys, led by the incomparable EDF

outside counsel Sean Donahue. We have been incredibly fortunate to team up with the nation's top environmental attorneys, including our colleagues at Earthjustice, NRDC and the Sierra Club.

Thank you for your steadfast support and please join me in celebrating today's historic ruling.

Sincerely,

Fred Krupp

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James O'Hara/DC/USEPA/US
10/03/2012 02:33 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Jim Martin, Janet Woodka, Sarah Pallone, Arvin Ganesan, Laura Vaught, Lek Kadeli, Ramona Trovato
cc
bcc
Subject pavillion

Sierra Club press release on how USGS data supports EPA's earlier testing...may occasion new round of articles, may not...

and state put out advisory for next week's technical meeting
----- Forwarded by James O'Hara/DC/USEPA/US on 10/03/2012 02:31 PM -----

From: "Kelly, Kate P" <Kate_Kelly@ios.doi.gov>
To: James O'Hara/DC/USEPA/US@EPA
Date: 10/03/2012 01:00 PM
Subject:

---

http://action.sierraclub.org/site/MessageViewer?em_id=254646.0

http://deq.state.wy.us/out/downloads/PavillionpublicmeetingOCT2012.pdf

Kate Kelly
Director of Communications
Department of the Interior
(202) 208 2409 (o) / (202) 306 3888 (c)
kate_kelly@ios.doi.gov

Janice Nolen
<Janice.Nolen@lung.org>
11/07/2012 05:17 PM

To Bob Perciasepe
cc Teri Porterfield, Jose Lozano
bcc
Subject Requesting a meeting with you on PM NAAQS decision

Hello Bob,
We have a group of health and medical society CEOS who would like to meet with the Administrator or you on the upcoming PM NAAQS decision. We have run into some challenges scheduling this on Administrator Jackson's calendar, so I'm hoping we can schedule a time with you or get your help scheduling this with her. We are aware that she will need to make a final decision soon, to send it to OMB for them to review it prior to the decision deadline of December 14. I'm hoping you or Administrator Jackson would have some time for such a meeting next week, so I can get our colleagues' CEOS' calendars also lined up. We met with Gina earlier last month with senior staff from these same groups.

We would greatly appreciate any help you can provide in scheduling this meeting. I'm copying Mr. Lozano of the Administrator's staff, as I explained the urgency of the timing in an email to him as well.

Thank you,
Janice

Janice E. Nolen | Assistant Vice President, National Policy

American Lung Association
National Headquarters
1301 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20004-1725
P 202.785.3355 | C 202.486.0285 | F 202.452.1805
Janice.Nolen@Lung.org | www.Lung.org

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Janice Nolen
<Janice.Nolen@lung.org>
12/04/2012 10:25 AM

To Gina McCarthy, Steve Page, Bob Perciasepe, Joseph Goffman, Lydia Wegman
cc
bcc
Subject Excellent ATS journal editorial on PM NAAQS

Hello—

Attached is an excellent editorial from the American Thoracic Society's most recent journal, *American Journal of Respiratory Cell and Molecular Biology* , on the need for a much more protective particulate matter NAAQS. I know you'll recognize the authors, the renowned researchers, George Thurston, ScD and John Balmes, MD, who are also long-time American Lung Association volunteers. Please note that they did make one error in this editorial: they cite the decision date as December 15, when we all know it is actually December 14th. Their conclusion is one we strongly agree with:

> Based on this available evidence, we support the most protective long-term (annual average) standard at 11 mg/m3 and the short-term (24-h average) PM2.5 standard at 25 mg/m3.

Thank you,
Janice

Janice E. Nolen | Assistant Vice President, National Policy

American Lung Association
National Headquarters
1301 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20004-1725
P 202.785.3355 | C 202.486.0285 | F 202.452.1805
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727.full.pdf

Janice Nolen
<Janice.Nolen@lung.org>
04/13/2012 06:24 PM

To LisaP Jackson, Bob Perciasepe, Gina McCarthy, Janet McCabe
cc Steve Page
bcc
Subject FW: Letter to President Obama re: Oil and Gas Sector Air Emissions

Madame Administrator:

We just sent this letter to President Obama in support of strong rules for New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants for the Oil and Natural Gas Sector. We wanted to share a copy of this with you. We will be sharing this with OMB OIRA during our meeting on Monday.

If you have questions, please let me know.

Thank you,
Janice Nolen

Janice E. Nolen | Assistant Vice President, National Policy and Advocacy

American Lung Association
National Headquarters
1301 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20004-1725
P 202.785.3355 | C 202.486.0285 | F 202.452.1805
Janice.Nolen@Lung.org | www.Lung.org

From: Lyndsay Moseley
Sent: Friday, April 13, 2012 6:10 PM
To: president@whitehouse.gov
Cc: Zichal, Heather R.; 'Patel, Rohan (Rohan_Patel@ceq.eop.gov)'; Gregory_S._Nelson@who.eop.gov; 'Ganesan.Arvin@epamail.epa.gov'
Subject: Letter to President Obama re: Oil and Gas Sector Air Emissions

American Lung Association American Thoracic Society Asthma and Allergy Foundation of America Health Care Without Harm National Association of County and City Health Officials

April 13, 2012

President Barack Obama
The White House

Washington, DC 20502

Dear President Obama:

When the U.S. Environmental Protection Agency (EPA) proposed important safeguards to address harmful air pollution emitted from the production, processing, transmission and storage from the oil and natural gas industry, we and other leading medical and public health organizations applauded and urged strengthening changes. We urge you to stand strong against requests to weaken or delay the rule with loopholes and exemptions that would have dangerous impacts on public health.

The cleanup of air pollution from oil and natural gas wells is necessary and appropriate given EPA's charge under the Clean Air Act to protect public health from dangerous air pollution with a margin of safety. EPA's proposed standards are an important step towards reducing threats to public health from expanding oil and gas development and they are urgently needed as oil and natural gas production expands.

As professional health and medical organizations, we see irrefutable evidence of serious damage to human health from air pollutants emitted during oil and natural gas production, including sulfur dioxide, nitrogen oxide, and volatile organic compounds (VOCs), including air toxics such as benzene and formaldehyde, as well as increasing levels of ozone and particulate matter. These pollutants can worsen asthma, cause heart attacks, and harm the circulatory, respiratory, nervous, and other essential and vital life systems. They are also linked to cancer, developmental disorders, and even premature death. People most at risk of harm from breathing these air pollutants are depending on you to adopt these standards, including: infants, children and teenagers; older adults; pregnant women; people with asthma and other lung diseases; people with cardiovascular disease; diabetics; people with low incomes; and healthy adults who work or exercise outdoors. President Barack Obama April 13, 2012 Page 2 of 2

Natural gas production is expanding into highly populated areas of the country. The growth in oil and gas development across the nation means that many more people may be at risk from these pollutants unless EPA can provide strong, effective standards for reducing emissions of these pollutants. The adoption of the safeguards against air pollution from oil and natural gas production, as required under the Clean Air Act, will protect the public from life-threatening pollution. Limiting emissions from oil and natural gas production will yield tremendous benefits and significantly reduce adverse health effects.

The nation needs the EPA to strengthen the oil and natural gas standards to effectively protect the health of those most at risk. The standards must be strengthened to keep up with the expansions and the new technology in the oil and gas industry. Your administration has a historic and momentous opportunity to clean the air of notoriously harmful pollutants that endanger human health.

We trust that you will resist last-minute pressure tactics from polluters seeking delays, loopholes and exemptions and reject any efforts to weaken these important public health safeguards.

Sincerely,

Charles D. Connor, JD
President and CEO
American Lung Association

Stephen C. Crane, PhD, MPH
Executive Director
American Thoracic Society

William McLin, M.Ed
President and CEO
Asthma and Allergy Foundation of America

Robert M. Pestronk, MPH Executive Director
National Association of County and City Health Officials

Gary Cohen
Executive Director
Health Care Without Harm

Lyndsay F. Moseley| Director of Advocacy, Healthy Air Campaign

American Lung Association
National Headquarters
1301 Pennsylvania Ave. NW, Ste. 800
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Letter to President Obama_Oil and Gas Sector Air Emissions 4 13 12.pdf

jennifer hecker
<jenniferh@conservancy.org>
11/20/2012 04:05 PM

To Elizabeth Southerland, "'Gillinsky.ellen@epa.gov'"

cc LisaP Jackson, Bob Perciasepe, "'coby.dolan@mail.house.gov'", Bob Sussman, "'Rohan_Patel@ceq.eop.gov'", "'Jpeterson@ceq.eop.gov'", "'JCarson@WHO.EOP.Gov'", "'susie_perezquinn@billnelson.senate.gov'", "David Guest (dguest@earthjustice.org)", "frank.jackalone@sierraclub.org", "'Manley Fuller' (manleyfuller@comcast.net)", "lisa@stjohnsriverkeeper.org", Becky Ayech

bcc

Subject Joint Environmental Group 11/20/12 Ltr RE Florida Proposed Numeric Nutrient Rule and Implementation Plan

Dear Ms. Gilinsky and Dr. Southerland:

The Conservancy of Southwest Florida, Earthjustice, Environmental Confederation of Southwest Florida, Florida Wildlife Federation, Sierra Club and St. Johns Riverkeeper submit the attached comments for your consideration in deliberating whether to approved the Florida Department of Environmental Protection (DEP) proposed Numeric Nutrient Rule. We have reviewed the recently released DEP ""Implementation of Florida's Numeric Nutrient Standards: Document Submitted to EPA in Support of the Department of Environmental Protection's Adopted Nutrient Standards for Streams, Spring Vents, Lakes, and Selected Estuaries," and find that it does not resolve any of the principal objections we have raised about the DEP rule.

Further, as you may be aware, Earthjustice has filed an administrative rule challenge petition on November 6, 2012 challenging the Implementation Document as an unadopted rule. Because many of the provisions and requirements contained in the implementation plan are potentially being relied upon by EPA in determining whether to approve the FDEP nutrient standards, it is important to note that state law would prohibit legal enforcement of such provisions and requirements since they have not been properly adopted as rules. Therefore, unless and until such time as these provisions are adopted through rulemaking and submitted to EPA as proposed water quality standards, we respectfully request EPA to not rely upon the Implementation Plan in any fashion in deciding whether or not to approve the state rule as it is currently proposed.

Thank you for your continued time and consideration of our input on this very important matter and please feel free contact any of the signatories, including myself, to discuss further. We hope you have a very Happy Thanksgiving,

Jennifer Hecker
Director of Natural Resource Policy
Conservancy of Southwest Florida
1450 Merrihue Drive
Naples, Florida 34102
(239) 262-0304 x250
FAX 262-5872

Please consider the environment before printing this e-mail.

November 20, 2012 EPA pending decision letter to EPA.pdf

Jesse Berst
<sgnnewsletteredit or@smartgridnews.com>

11/02/2012 09:22 AM

Please respond to
Jesse Berst
<sgnnewsletteredit or@smartgridnews.com>

To Bob Perciasepe

cc

bcc

Subject Smart grid wins: Some big scores for some big players this week

SMART GRID NEWSLETTER

The Smart Grid -- the application of digital technology to the electric power infrastructure.

Smart grid wins: Some big scores for some big players this week

Itron and Cisco win big in Los Angeles. Telvent and Tendril ink sweet deals in Australia. Elster is selling more meters in Brazil and Schneider Electric will be charging up Pecan Street EVs. We've got all of that and more in this week's roster of smart grid wins - including a 'hats off' to Schweitzer Engineering Laboratories. More>>

Who Obama and Romney listen to on energy: Part 2

In part two of her series on who the presidential candidates are listening to on energy policy, Elisa Wood of AOL Energy profiles Heather Zichal, President Obama's advisor on energy issues. Find out what Capitol Hill colleagues say is behind the Iowa native and former Sierra Club intern's mercurial rise to a top policy position. More>>

Are you ready for upcoming no lead regulations?

Changes to the Reduction of Lead in Drinking Water Act are reducing the amount of lead permissible in water meters. Utilities must act to implement strong, durable and reliable zero-lead alternatives. Learn how with Sensus zero-lead meters >>

Study says electric rates govern PHV charging, not online feedback

Plug-in hybrid vehicle drivers manage charging based on electricity rates, but mostly ignore online tools, according to a research study that gauged consumer opinions about the vehicles and how they approached charging them. More>>

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Bob Perciasepe/DC/USEPA/US
Sent by: Teri Porterfield

07/30/2012 03:29 PM

To Arvin Ganesan, Bob Sussman, Carolyn Levine, Dave Bray, Dennis McLerran, Dennis McLerran, Janet McCabe, Janet Woodka, Janis Hastings, Laura Vaught
cc Gina McCarthy
bcc
Subject Confirmed: Prep for Enviro Meeting on 8/10 Regarding Shell's Drilling Plan (Aug 6 05:30 PM EDT in 3412 ARN - Region to call into the deputy's tannenberg)

Fw: Meeting on Shell's drilling plan

Bob Perciasepe to: Teri Porterfield 07/27/2012 10:23 AM

More.

Meetings.

Arvin Ganesan

----- Original Message -----

From: Arvin Ganesan

Sent: 07/27/2012 10:11 AM EDT

To: Bob Perciasepe

Subject: Re: Meeting on Shell's drilling plan

Yes. They met with Dennis and with Janet and are now going to the Hill. But yes, we should do it. They will not be happy.

Bob Perciasepe	Arvin We should likely do this, yes?	07/27/2012 10:09:08 AM

From: Bob Perciasepe/DC/USEPA/US

To: Arvin Ganesan/DC/USEPA/US@EPA

Date: 07/27/2012 10:09 AM

Subject: Re: Meeting on Shell's drilling plan

Arvin
We should likely do this, yes?

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) +1 202 368 8193

-----Athan Manuel <athan.manuel@sierraclub.org> wrote: -----
To: Bob Perciasepe/DC/USEPA/US@EPA
From: Athan Manuel <athan.manuel@sierraclub.org>
Date: 07/26/2012 02:59PM
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Subject: Meeting on Shell's drilling plan

Mr. Perciasepe - I am writing on behalf of a coalition of environmental groups, including Oceana, the League of Conservation Voters, Center for Biological Diversity, NRDC and others as well as the Sierra Club, to request a meeting to discuss Royal Dutch Shell's plans to drill in the Arctic Ocean this summer. While the Obama Administration has devoted considerable attention to this issue already, recent developments have significantly changed the decision-making landscape in ways we think are highly significant.

Since Shell received preliminary approvals for this summer, a cascade of revelations has shown it may not be nearly as able to limit harm and threats from drilling operations as it has claimed. We have many concerns with their drilling plans, especially their request to increase air pollution from its Arctic drilling rigs significantly. We met with Janet McCabe yesterday, but would also like to raise these issues with you.

We ask that you find some time in what we know to be a very busy schedule, to discuss how this Administration can responsibly deal with the growing uncertainty about Shell's readiness, and ensure that drilling does not proceed until and unless the extraordinarily rich and vulnerable public resources of the Chukchi and Beaufort Seas are securely protected.

Thank you for your consideration. Feel free to reply to the email or to call me at one of the numbers below. - Athan

--
Athan Manuel
Director, Lands Protection Program
Sierra Club
50 F St. NW, Eight Floor
Washington, DC 20001
Direct line: 202-548-4580
Fax: 202-547-6009
Cell: 202-716-0006

Bob Perciasepe/DC/USEPA/US
Sent by: Teri Porterfield

08/06/2012 10:11 AM

To Arvin Ganesan, Bob Sussman, Carolyn Levine, Dave Bray, Dennis McLerran, Dianne Soderlund, Edward Kowalski, Janet McCabe, Janet Woodka, Janis Hastings, Janis Hastings, Laura Vaught
cc Gina McCarthy
bcc
Subject Information Update - Location has changed: Prep for Enviro Meeting on 8/10 Regarding Shell's Drilling Plan

Fw: Prep for Enviro Meeting on 8/10 Regarding Shell's Drilling Plan

Noha Gaber to: Teri Porterfield 08/03/2012 02:49 PM

Background Material for EPW Pre-Brief Meeting.docx

BACKGROUND MATERIAL FOR BOB P MEETING WITH ENVIROS.doc

Fw: Meeting on Shell's drilling plan

Bob Perciasepe to: Teri Porterfield 07/27/2012 10:23 AM

More.

Meetings.

Arvin Ganesan

----- Original Message -----

From: Arvin Ganesan

Sent: 07/27/2012 10:11 AM EDT

To: Bob Perciasepe

Subject: Re: Meeting on Shell's drilling plan

Yes. They met with Dennis and with Janet and are now going to the Hill. But yes, we should do it. They will not be happy.

Bob Perciasepe	Arvin We should likely do this, yes?	07/27/2012 10:09:08 AM

From: Bob Perciasepe/DC/USEPA/US

To: Arvin Ganesan/DC/USEPA/US@EPA

Date: 07/27/2012 10:09 AM

Subject: Re: Meeting on Shell's drilling plan

Arvin
We should likely do this, yes?

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) +1 202 368 8193

-----Athan Manuel <athan.manuel@sierraclub.org> wrote: -----
To: Bob Perciasepe/DC/USEPA/US@EPA
From: Athan Manuel <athan.manuel@sierraclub.org>
Date: 07/26/2012 02:59PM
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Subject: Meeting on Shell's drilling plan

Mr. Perciasepe - I am writing on behalf of a coalition of environmental groups, including Oceana, the League of Conservation Voters, Center for Biological Diversity, NRDC and others as well as the Sierra Club, to request a meeting to discuss Royal Dutch Shell's plans to drill in the Arctic Ocean this summer. While the Obama Administration has devoted considerable attention to this issue already, recent developments have significantly changed the decision-making landscape in ways we think are highly significant.

Since Shell received preliminary approvals for this summer, a cascade of revelations has shown it may not be nearly as able to limit harm and threats from drilling operations as it has claimed. We have many concerns with their drilling plans, especially their request to increase air pollution from its Arctic drilling rigs significantly. We met with Janet McCabe yesterday, but would also like to raise these issues with you.

We ask that you find some time in what we know to be a very busy schedule, to discuss how this Administration can responsibly deal with the growing uncertainty about Shell's readiness, and ensure that drilling does not proceed until and unless the extraordinarily rich and vulnerable public resources of the Chukchi and Beaufort Seas are securely protected.

Thank you for your consideration. Feel free to reply to the email or to call me at one of the numbers below. - Athan

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Bob Perciasepe/DC/USEPA/US
Sent by: Teri Porterfield

08/03/2012 03:16 PM

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cc Gina McCarthy
bcc
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Bob Perciasepe/DC/USEPA/US
Sent by: Teri Porterfield

07/30/2012 01:22 PM

To Arvin Ganesan, Bob Sussman, Carolyn Levine, Dennis McLerran, Janet McCabe, Janet Woodka, Janis Hastings, Laura Vaught
cc Gina McCarthy
bcc
Subject Rescheduled: Prep for Enviro Meeting on 8/10 Regarding Shell's Drilling Plan (Aug 6 05:30 PM EDT in 3412 ARN - Region to call into the deputy's tannenberg)

Fw: Meeting on Shell's drilling plan

Bob Perciasepe to: Teri Porterfield 07/27/2012 10:23 AM

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Gina McCarthy/DC/USEPA/US	To	Beth Craig
Sent by: Teri Porterfield	cc	
	bcc	
05/20/2010 07:59 AM	Subject	The Youth Awards is on LPJ's calendar - see below. Fw: Thursday, May 20, 2010 Schedule for Lisa P. Jackson

----- Forwarded by Teri Porterfield/RTP/USEPA/US on 05/20/2010 07:57 AM -----

From:	Daniel Gerasimowicz/DC/USEPA/US
To:	Donald Maddox/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA, Denise Dickenson/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Darlene Yuhas/R3/USEPA/US@EPA, Ann Campbell/DC/USEPA/US@EPA, Nena Shaw/DC/USEPA/US@EPA, Beth Zelenski/DC/USEPA/US@EPA, Venu Ghanta/DC/USEPA/US@EPA, Colleen Flaherty/DC/USEPA/US@EPA, Dennis James/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Charles Imohiosen/DC/USEPA/US@EPA, Matt Bogoshian/DC/USEPA/US@EPA, Clay Diette/DC/USEPA/US@EPA, Megan Cryan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Candace White/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Marygrace Galston/R8/USEPA/US@EPA, Debbie Dietrich/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Alecia Allston/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Clay Diette/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Michelle DePass/DC/USEPA/US@EPA, Steve Owens/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Peter Grevatt/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Alicia Kaiser/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Katharine Gage/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Marcus McClendon/DC/USEPA/US@EPA, Ray Spears/DC/USEPA/US@EPA, Sarah Dale/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, Carla Veney/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, John Neville/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date:	05/19/2010 05:53 PM
Subject:	Thursday, May 20, 2010 Schedule for Lisa P. Jackson

*** do not copy or forward this information ***

Schedule for Lisa P. Jackson EPA Administrator
Thursday, May 20, 2010

Notes:

Drivers	Shift Leaders	Staff Contact
AM Derrick Parker 202-531-9695	AM Kip Doan 202-256-8578	Robert Goulding
PM Terry Thurman 202-531-8784	PM Chris Smith 703-926-7859	202-596-0245

06:30 AM - 07:30 AM	Residence	Depart for Ariel Rios

07:30 AM - 08:30 AM	Studio 1, 6330 ARN	Gulf Coast TV and Radio Interviews Ct: Adora Andy (OPA) 202-564-2715 Live Interviews with Gulf Coast TV and Radio Stations Agenda: 7:30 - 7:35 AM - WVUE-TV/Fox New Orleans 7:40 -7:45 AM - WLOX-TV/ABC Biloxi 7:45 - 7:55 AM - WWL-TV/CBS New Orleans 8:08 - 8:15 AM - WWL 870-AM 8:15 - 8:20 AM - WRBE 1440-AM 8:20 - 8:25 AM - WBUV 104.9 FM
08:15 AM - 08:45 AM	EOC Executive Conference Room	FYI - Oil Spill Update Briefing Ct: Erica Canzler (OEM) 564-2359 Call-in Number: 1-866-299-3188 2025641976
08:45 AM - 09:15 AM	Administrator's Office	FYI - Daily Meeting
08:45 AM - 09:00 AM	Ariel Rios	Depart for Cannon Arvin Ganesan will travel with The Administrator
09:00 AM - 10:00 AM	304 Cannon	Remarks at the Congressional Livable Communities Task Force Meeting Ct: Michael Harold (Scheduler to Rep. Blumenauer) 202- 225-1179 Advance Ct: Sarah Dale (OA) 202-384-6996 Duration: 45 minutes - 1 hr Attendees: 15-20 members Format: -Brief introduction of LPJ by Blumenauer -Informal roundtable discussion and Q&A from members Staff: Arvin Ganesan (OCIR) The LCTF was re-started by Congressman Blumenauer in Fall of 2009. It now has 29 Members, with heavy member and staff participation in the near-weekly briefings our office organizes. The objective of the Task Force is to identify the ways in which the federal government can affect community livability and improve Americans' quality of life. This includes reducing the nation's dependence on oil, protecting the environment, improving public health and investing in housing and transportation projects that create jobs and give people more commutingchoices.

		The purpose of the meeting is to facilitate a dialogue between the Administrator and members of the LCTF on what EPA is doing for the livable communities agenda, and how Congress can help advance those goals.
09:05 AM - 09:45 AM	Administrator's Office	FYI - Calls with Governors 1-800-860-2442 Pin: 65367
10:00 AM - 10:15 AM	Cannon	Depart for Willard InterContinental Hotel
10:15 AM - 12:00 PM	The Willard InterContinental Washington Hotel – Grand Ballroom	Presidential Environmental Youth Awards Ct: Aretha Brockett (OCHP) 564-0911 OPEN PRESS Ruth McCully will be leading the Administrator on the tour of the exhibits 10:00 Arrival of Administrator 10:00 – 10:20 Administrator visits Region 6-10 exhibits 10:00 – 10:15 Video Presentation “It’s My Environment” 10:20 Start of Ceremony 10:20 – 10:25 Opening & Intro of Administrator by Seth Oster 10:25 – 10:30 Introduction of video by Administrator Jackson 10:30 – 10:32 President Obama’s video message 10:32 – 10:35 Introduction of Performers by Andrew Burnett 10:35 – 10:50 Performance by Earth's Natural Force 10:50 – 10:52 Intro of the Administrator by Ruth McCully 10:52 – 11:35 Administrator Remarks&Presentation of Awards 11:35 – 11:40 Closing Remarks by Ruth McCully 11:40 – 12:00 Administrator visits Region 1-5 exhibits
11:00 AM - 11:30 AM	By Phone	FYI - National Response Team Member Agency Heads Conference Call Participants are asked to dial in at 10:45 AM Participant roll call will begin at 10:50 AM Administrator + 1 Call in: 1-800-320-4330 PIN 193740
12:00 PM - 12:15 PM	Willard InterContinental Hotel	Depart for Ariel Rios
12:15 PM - 01:00 PM	Administrator's Office	No Meetings
01:00 PM - 01:45 PM	Administrator's Office	Meeting with Peter Lehner, NRDC Ct: Valerie Keane, 212-727-4539 Optional: Diane Thompson, Bob Perciasepe
01:45 PM - 02:00 PM	Ariel Rios	Depart for DOT

02:00 PM - 02:30 PM	Atrium at DOT 1200 New Jersey Avenue, SE Washington, DC 20590	Remarks at Leadership Development Conference for Schedule C Appointees WH Ct: Meg McLaughlin 202-395-1608 EPA Ct: Dan Kanninen (OA)
02:30 PM - 02:45 PM	Secretary's Office 9th Floor	Stop-by meeting with Secretary LaHood
02:45 PM - 03:00 PM	DOT	Depart for Ariel Rios
03:00 PM - 03:45 PM	Administrator's Office	Meeting with NACEPT Chair Dr. James Johnson Ct: Sonia Altieri (OCEM) 564-0243 Staff: Diane Thompson (OA) Rafael DeLeon (OCEM) Charles Lee OECA) Attendee: Dr. James Johnson
03:50 PM - 04:00 PM	Administrator's Office	Meeting with Malcolm Jackson Ct: David Piantanida (OCIR) 564-8318
04:00 PM - 04:45 PM	Bullet Room	Meeting with American Lung Association and Public Health/Medical Organizations Ct: Janice Nolen (American Lung Association) 202-785-3355 Call-in information: 1-866-299-3188 code: 2025640473 Staff: Gina McCarthy, Janet McCabe, Steve Page, Lydia Wegman (OAR) Stephanie Owens (OPA) Optional: Bob Perciasepe, Diane Thompson, Bob Sussman, Robert Goulding (OA) Joe Goffman (OAR) Attendees: Cindy Pellegrini, Asst. Director, Washington Office - American Academy of Pediatrics Susan K. Bishop - American Heart Association Charles D. Connor, President and Chief Executive Officer - American Lung Association Janice Nolen, AVP, National Policy and Advocacy - American Lung

		Association Donald Hoppert, Director of Government Relations - American Public Health Association William Rom, MD., Past Chair, ATS Environment Committee - American Thoracic Society Gary Ewart, Director, Government Relations - American Thoracic Society William McLin, M.Ed, Executive Director - Asthma and Allergy Foundation Charlotte Collins, JD. Director of Public Policy and Advocacy - Asthma and Allergy Foundation Eli Briggs, Senior Government Affairs Specialist - National Association of County and City Health Officials Kristen Walker-Hunt ScD MSN RN, Director, Environment and Health Programs - Physicians for Social Responsibility
05:00 PM - 05:30 PM	EOC Executive Conference Room	FYI - Oil Spill Update Briefing Ct: Erica Canzler (OEM) 564-2359 Call-in Number: 1-866-299-3188 2025641976
05:30 PM - 06:00 PM	By Phone	FYI - NOAA Oil Spill Update Ct: Dana Tulis (OSWER) Call in: 1-866-299-3188 code 202-564-1976
06:45 PM - 07:30 PM	By Phone	Principals Call BRIDGE NUMBER: 202-395-6392 CONFEREE PASSCODE: 900 1731

Teri Porterfield/RTP/USEPA/US
10/04/2009 11:16 AM

To Beth Craig
cc
bcc
Subject Yes. I just sent her a note and I'll follow up tomorrow. Stop working - you need to rest so you can get well!!!
Re: South Dakota Oil Refineries

South Dakota Oil Refineries

South Dakota Oil Refineries

Beth Craig to: Teri Porterfield, johnson.addie 10/04/2009 10:49 AM

Cc: page.steve

Dear Teri and Addie,

Would you please check in with Georgia on this meeting? Is it about Hyperion?

Also, would it be possible for someone from OAQPS and Region 8 to call in to the meeting just to listen to the conversation?

I am also triple booked during this time period and trying to work it out.

Thanks, Beth

Broadcast: South Dakota Oil Refineries
Mon 10/05/2009 3:00 PM - 4:00 PM
Attendance is **required** for Beth Craig
Chair: **Bob Sussman/DC/USEPA/US**
Sent By: **Georgia Bednar/DC/USEPA/US**
Location: 3309 ARN

Bob Sussman has invited you to a meeting. You have not added this entry to your calendar.

Required:	Beth Craig/DC/USEPA/US@EPA
Optional:	Charles Imohiosen/DC/USEPA/US@EPA, Colleen Flaherty/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, ktamillow@elpc.org, Lynn Zipf/DC/USEPA/US@EPA, Marta Montoro/DC/USEPA/US@EPA, Robert Polin/DC/USEPA/US@EPA, Teri Porterfield/RTP/USEPA/US@EPA

Description

AS OF 10/01/09
1200 Pennsylvania Ave, NW
Room 3309 ARN
Washington, DC
Please call 202-564-8443 to be escorted into the building.

AS OF 9/25/2009
Georgia,

Yes, we are still on for 3:00 p.m. Attending the meeting will be Howard Learner (ELPC), Gay Sigel (Jenner & Block), Professor Dean Spader (South Dakota Sierra Club) and Ed Cable (Save Union County). I will go ahead and advise them that the meeting is confirmed and they should purchase plane tickets.

Who is planning to attend from EPA?

Thanks!
Kay

Kay Tamillow
Executive Assistant
Environmental Law & Policy Center
35 E. Wacker Drive, Suite 1300
Chicago, IL 60601
312-795-3709 (direct)
312-673-6500 (main)
www.elpc.org

Howard Learner, Environmental Law & Policy Center
Bob Graham, Jenner & Block

RE: South Dakota Oil Refineries

POC
Kay Tamillow
(312) 795-3709

EPA POC:
Georgia Bednar
202-564-9816
bednar.georgia@epa.gov

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08:45 AM - 09:15 AM	Administrator's Office	FYI - Daily Meeting
08:45 AM - 09:00 AM	Ariel Rios	Depart for Cannon Arvin Ganesan will travel with The Administrator
09:00 AM - 10:00 AM	304 Cannon	Remarks at the Congressional Livable Communities Task Force Meeting Ct: Michael Harold (Scheduler to Rep. Blumenauer) 202- 225-1179 Advance Ct: Sarah Dale (OA) 202-384-6996 Duration: 45 minutes - 1 hr Attendees: 15-20 members Format: -Brief introduction of LPJ by Blumenauer -Informal roundtable discussion and Q&A from members Staff: Arvin Ganesan (OCIR) The LCTF was re-started by Congressman Blumenauer in Fall of 2009. It now has 29 Members, with heavy member and staff participation in the near-weekly briefings our office organizes. The objective of the Task Force is to identify the ways in which the federal government can affect community livability and improve Americans' quality of life. This includes reducing the nation's dependence on oil, protecting the environment, improving public health and investing in housing and transportation projects that create jobs and give people more commutingchoices.

		The purpose of the meeting is to facilitate a dialogue between the Administrator and members of the LCTF on what EPA is doing for the livable communities agenda, and how Congress can help advance those goals.
09:05 AM - 09:45 AM	Administrator's Office	FYI - Calls with Governors 1-800-860-2442 Pin: 65367
10:00 AM - 10:15 AM	Cannon	Depart for Willard InterContinental Hotel
10:15 AM - 12:00 PM	The Willard InterContinental Washington Hotel – Grand Ballroom	Presidential Environmental Youth Awards Ct: Aretha Brockett (OCHP) 564-0911 OPEN PRESS Ruth McCully will be leading the Administrator on the tour of the exhibits 10:00 Arrival of Administrator 10:00 – 10:20 Administrator visits Region 6-10 exhibits 10:00 – 10:15 Video Presentation “It’s My Environment” 10:20 Start of Ceremony 10:20 – 10:25 Opening & Intro of Administrator by Seth Oster 10:25 – 10:30 Introduction of video by Administrator Jackson 10:30 – 10:32 President Obama’s video message 10:32 – 10:35 Introduction of Performers by Andrew Burnett 10:35 – 10:50 Performance by Earth's Natural Force 10:50 – 10:52 Intro of the Administrator by Ruth McCully 10:52 – 11:35 Administrator Remarks&Presentation of Awards 11:35 – 11:40 Closing Remarks by Ruth McCully 11:40 – 12:00 Administrator visits Region 1-5 exhibits
11:00 AM - 11:30 AM	By Phone	FYI - National Response Team Member Agency Heads Conference Call Participants are asked to dial in at 10:45 AM Participant roll call will begin at 10:50 AM Administrator + 1 Call in: 1-800-320-4330 PIN 193740
12:00 PM - 12:15 PM	Willard InterContinental Hotel	Depart for Ariel Rios
12:15 PM - 01:00 PM	Administrator's Office	No Meetings
01:00 PM - 01:45 PM	Administrator's Office	Meeting with Peter Lehner, NRDC Ct: Valerie Keane, 212-727-4539 Optional: Diane Thompson, Bob Perciasepe
01:45 PM - 02:00 PM	Ariel Rios	Depart for DOT

02:00 PM - 02:30 PM	Atrium at DOT 1200 New Jersey Avenue, SE Washington, DC 20590	Remarks at Leadership Development Conference for Schedule C Appointees WH Ct: Meg McLaughlin 202-395-1608 EPA Ct: Dan Kanninen (OA)
02:30 PM - 02:45 PM	Secretary's Office 9th Floor	Stop-by meeting with Secretary LaHood
02:45 PM - 03:00 PM	DOT	Depart for Ariel Rios
03:00 PM - 03:45 PM	Administrator's Office	Meeting with NACEPT Chair Dr. James Johnson Ct: Sonia Altieri (OCEM) 564-0243 Staff: Diane Thompson (OA) Rafael DeLeon (OCEM) Charles Lee OECA) Attendee: Dr. James Johnson
03:50 PM - 04:00 PM	Administrator's Office	Meeting with Malcolm Jackson Ct: David Piantanida (OCIR) 564-8318
04:00 PM - 04:45 PM	Bullet Room	Meeting with American Lung Association and Public Health/Medical Organizations Ct: Janice Nolen (American Lung Association) 202-785-3355 Call-in information: 1-866-299-3188 code: 2025640473 Staff: Gina McCarthy, Janet McCabe, Steve Page, Lydia Wegman (OAR) Stephanie Owens (OPA) Optional: Bob Perciasepe, Diane Thompson, Bob Sussman, Robert Goulding (OA) Joe Goffman (OAR) Attendees: Cindy Pellegrini, Asst. Director, Washington Office - American Academy of Pediatrics Susan K. Bishop - American Heart Association Charles D. Connor, President and Chief Executive Officer - American Lung Association Janice Nolen, AVP, National Policy and Advocacy - American Lung

		Association Donald Hoppert, Director of Government Relations - American Public Health Association William Rom, MD., Past Chair, ATS Environment Committee - American Thoracic Society Gary Ewart, Director, Government Relations - American Thoracic Society William McLin, M.Ed, Executive Director - Asthma and Allergy Foundation Charlotte Collins, JD. Director of Public Policy and Advocacy - Asthma and Allergy Foundation Eli Briggs, Senior Government Affairs Specialist - National Association of County and City Health Officials Kristen Walker-Hunt ScD MSN RN, Director, Environment and Health Programs - Physicians for Social Responsibility
05:00 PM - 05:30 PM	EOC Executive Conference Room	FYI - Oil Spill Update Briefing Ct: Erica Canzler (OEM) 564-2359 Call-in Number: 1-866-299-3188 2025641976
05:30 PM - 06:00 PM	By Phone	FYI - NOAA Oil Spill Update Ct: Dana Tulis (OSWER) Call in: 1-866-299-3188 code 202-564-1976
06:45 PM - 07:30 PM	By Phone	Principals Call BRIDGE NUMBER: 202-395-6392 CONFEREE PASSCODE: 900 1731

Teri Porterfield/DC/USEPA/US	To	Bob Perciasepe
11/07/2012 05:29 PM	cc	Jose Lozano, Denise Anderson
	bcc	
	Subject	Fw: Requesting a meeting with you on PM NAAQS decision

Bob - got a "heads-up" earlier from scheduling saying you might need to cover - do you want us to schedule with you??

----- Forwarded by Teri Porterfield/DC/USEPA/US on 11/07/2012 05:28 PM -----

From:	Janice Nolen <Janice.Nolen@lung.org>
To:	Bob Perciasepe/DC/USEPA/US@EPA
Cc:	Teri Porterfield/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA
Date:	11/07/2012 05:17 PM
Subject:	Requesting a meeting with you on PM NAAQS decision

Hello Bob,
We have a group of health and medical society CEOS who would like to meet with the Administrator or you on the upcoming PM NAAQS decision. We have run into some challenges scheduling this on Administrator Jackson's calendar, so I'm hoping we can schedule a time with you or get your help scheduling this with her. We are aware that she will need to make a final decision soon, to send it to OMB for them to review it prior to the decision deadline of December 14. I'm hoping you or Administrator Jackson would have some time for such a meeting next week, so I can get our colleagues' CEOS' calendars also lined up. We met with Gina earlier last month with senior staff from these same groups.

We would greatly appreciate any help you can provide in scheduling this meeting. I'm copying Mr. Lozano of the Administrator's staff, as I explained the urgency of the timing in an email to him as well.

Thank you,
Janice

Janice E. Nolen | Assistant Vice President, National Policy

American Lung Association
National Headquarters
1301 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20004-1725
P 202.785.3355 | C 202.486.0285 | F 202.452.1805
Janice.Nolen@Lung.org | www.Lung.org

********** ATTACHMENT NOT DELIVERED

****

This Email message contained an attachment named
  image001.jpg
which may be a computer program. This attached computer program could
contain a computer virus which could cause harm to EPA's computers,
network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced
into the EPA network. EPA is deleting all computer program attachments
sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you
should contact the sender and request that they rename the file name
extension and resend the Email with the renamed attachment. After
receiving the revised Email, containing the renamed attachment, you can
rename the file extension to its correct name.

For further information, please contact the EPA Call Center at
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

********** ATTACHMENT NOT DELIVERED
****

Bob Perciasepe/DC/USEPA/US
Sent by: Teri Porterfield

07/30/2012 11:05 AM

To Carolyn Levine, Dennis McLerran, Janet McCabe
cc Gina McCarthy
bcc
Subject Prep for Enviro Meeting on 8/10 Regarding Shell's Drilling Plan

Meeting

Date	08/06/2012
Time	05:30:00 PM to 06:15:00 PM
Chair	Bob Perciasepe
Invitees	
Required	Arvin Ganesan; Bob Sussman; Carolyn Levine; Dave Bray; Dennis McLerran; Dianne Soderlund; Edward Kowalski; Janet McCabe; Janet Woodka; Janis Hastings; Laura Vaught
Optional	Gina McCarthy
FYI	
Location	3412 ARN - Region to call into the deputy's tannenberg - Call in # for Janet M. 866 299 3188 Access 202 564 4711

Fw: Prep for Enviro Meeting on 8/10 Regarding Shell's Drilling Plan

Noha Gaber to: Teri Porterfield 08/03/2012 02:49 PM

Background Material for EPW Pre-Brief Meeting.docx

BACKGROUND MATERIAL FOR BOB P MEETING WITH ENVIROS.doc

Fw: Meeting on Shell's drilling plan

Bob Perciasepe to: Teri Porterfield 07/27/2012 10:23 AM

More.

Meetings.

Arvin Ganesan

----- Original Message -----

From: Arvin Ganesan

Sent: 07/27/2012 10:11 AM EDT

To: Bob Perciasepe

Subject: Re: Meeting on Shell's drilling plan

Yes. They met with Dennis and with Janet and are now going to the Hill. But yes, we should do it. They will not be happy.

Bob Perciasepe	Arvin We should likely do this, yes?	07/27/2012 10:09:08 AM

From: Bob Perciasepe/DC/USEPA/US

To: Arvin Ganesan/DC/USEPA/US@EPA

Date: 07/27/2012 10:09 AM

Subject: Re: Meeting on Shell's drilling plan

Arvin
We should likely do this, yes?

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) +1 202 368 8193

-----Athan Manuel <athan.manuel@sierraclub.org> wrote: -----
To: Bob Perciasepe/DC/USEPA/US@EPA
From: Athan Manuel <athan.manuel@sierraclub.org>
Date: 07/26/2012 02:59PM
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Subject: Meeting on Shell's drilling plan

Mr. Perciasepe - I am writing on behalf of a coalition of environmental groups, including Oceana, the League of Conservation Voters, Center for Biological Diversity, NRDC and others as well as the Sierra Club, to request a meeting to discuss Royal Dutch Shell's plans to drill in the Arctic Ocean this summer. While the Obama Administration has devoted considerable attention to this issue already, recent developments have significantly changed the decision-making landscape in ways we think are highly significant.

Since Shell received preliminary approvals for this summer, a cascade of revelations has shown it may not be nearly as able to limit harm and threats from drilling operations as it has claimed. We have many concerns with their drilling plans, especially their request to increase air pollution from its Arctic drilling rigs significantly. We met with Janet McCabe yesterday, but would also like to raise these issues with you.

We ask that you find some time in what we know to be a very busy schedule, to discuss how this Administration can responsibly deal with the growing uncertainty about Shell's readiness, and ensure that drilling does not proceed until and unless the extraordinarily rich and vulnerable public resources of the Chukchi and Beaufort Seas are securely protected.

Thank you for your consideration. Feel free to reply to the email or to call me at one of the numbers below. - Athan

--
Athan Manuel
Director, Lands Protection Program
Sierra Club
50 F St. NW, Eight Floor
Washington, DC 20001
Direct line: 202-548-4580
Fax: 202-547-6009
Cell: 202-716-0006

Teri Porterfield/DC/USEPA/US	To	Paul Billings
02/05/2013 06:17 PM	cc	Bob Perciasepe
	bcc	
	Subject	Re: Time for a quick chat?

Hi Paul,

Hope you are doing well. I put it on Bob's call sheet for 8:15 - we'll try to make it happen...

Teri Porterfield
This is your World.
Shape it or someone else will.
202-564-7683

Paul Billings Hi Bob I was wondering if you had som... 02/05/2013 06:11:36 PM

From: Paul Billings <Paul.Billings@lung.org>
To: Bob Perciasepe/DC/USEPA/US@EPA, Teri Porterfield/DC/USEPA/US@EPA
Date: 02/05/2013 06:11 PM
Subject: Time for a quick chat?

Hi Bob
I was wondering if you had some time this week for a brief chat. I am in by 7:30/7:45 most days we can calendar something or you can call my cell 240-472-8372 when you have a few free minutes.

thanks

NOTE new email Paul.Billings@Lung.org
Paul G. Billings
Senior Vice President, Advocacy & Education
American Lung Association
1301 Pennsylvania Ave NW Suite 800
Washington, DC 20004-1725
Phone: 202-785-3355 x 3988
Fax: 202 -452-1805

Bob Perciasepe/DC/USEPA/US
Sent by: Teri Porterfield

04/23/2012 05:34 PM

To
cc
bcc
Subject Deputy Administrator's Meeting with Enviros - receipt of 500,000 comments

Meeting

Date 04/24/2012
Time 12:30:00 PM to 01:00:00 PM
Chair Bob Perciasepe
Invitees
Required Dru Ealons
Optional
FYI Denise Anderson; Nena Shaw
Location Outside Ariel Rios

At 12:30 you are scheduled to meet - approx 24 individuals representing environmental groups (Sierra Club, League of Conservation Voters, EDF, NRDC, Enviro America, National Wildlife Federation) who will gather outside Ariel Rios and deliver 500,000 comments (roughly 12-15 flash drives loaded with spreadsheets, cover letters, etc) supporting strong industrial carbon pollution standards applicable to the rule: Standards for GHG Emissions for New Stationary Sources....

As each group hands over their comments, they would like to take a photo with you (individually) with the Ariel Rios building in the background - there will also be large photo shot with everyone. The purpose is to create a photo-op and narrative beat for the comment-gathering efforts on the issue. Groups will use materials from the event to communicate with supporters and recruit additional comment-signers via newsletters, emails and social media. POC: Dru Ealons - she will come get you.

Hi Teri,

Attached are the details. Let me know if you need anything else.

Best,

Dru

Bob P comment delivery event - Speaker Request Form.docx

Dru Ealons
Director
Office of Public Engagement
Office of the Administrator
US Environmental Protection Agency
202.564.7818 (direct)
202.573.3063 (cell)
ealons.dru@epa.gov

Bob Perciasepe/DC/USEPA/US
Sent by: Teri Porterfield

07/12/2012 04:57 PM

To
cc
bcc
Subject General Discussion w/Lisa Feldt

Meeting

Date 07/13/2012
Time 12:15:00 PM to 12:30:00 PM
Chair Bob Perciasepe
Invitees
Required Lisa Feldt
Optional
FYI MichaelE Scozzafava; Nena Shaw; Teresa Hill
Location 3412 ARN

Subj: Gowanus Canal Superfund CAG Resolution

Judith and I just talked about the full CAG request. I have a recommendation for you on this and obviously will want to cross check with Mathy when he is back on Monday.

Nena/Teri, I'm sensitive to Bob's time but is there any time either later today (after 5:45) or tomorrow for Bob and I to have a quick phone call or I can come your way.

Lisa Feldt
Deputy Assistant Administrator
Office of Solid Waste & Emergency Response
U.S. Environmental Protection Agency
Phone: (202) 566-0200:
Fax: (202) 566-0207
feldt.lisa@epa.gov

----- Forwarded by Lisa Feldt/DC/USEPA/US on 07/12/2012 04:07 PM -----

From: Judith Enck/R2/USEPA/US

To: Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA

Date: 07/12/2012 03:57 PM

Subject: Fw: Gowanus Canal Superfund CAG Resolution

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

----- Forwarded by Judith Enck/R2/USEPA/US on 07/12/2012 03:53 PM -----

From: Gowanus CAG <gowanuscagop@gmail.com>

To: LisaP Jackson/DC/USEPA/US@EPA

Cc: Judith Enck/R2/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Christos Tsiamis/R2/USEPA/US@EPA, Natalie Loney/R2/USEPA/US@EPA

Date: 07/12/2012 03:30 PM

Subject: Gowanus Canal Superfund CAG Resolution

VIA Email

July 12, 2012

Lisa P. Jackson, Administrator

United States Environmental Protection Agency

Ariel Rios Building

1200 Pennsylvania Ave. N.W.

Washington D.C. 20460

Dear Administrator Jackson,

The Gowanus Canal Superfund Site Community Advisory Group (CAG) consists of 54 representatives from civic, environmental, business and community organizations, as well as individual “at-large” citizen-members who live or work in the Gowanus watershed. These individuals and organizations are concerned and active stakeholders with a vested interest in the success and permanence of the cleanup of the Gowanus Canal.

As you know, our community has been plagued by the pollution in the canal caused by combined sewer overflows whose toxic compounds and hazardous regulated materials present adverse health risks to people, animals and plant life. The Gowanus CAG has expressed its overwhelming support for addressing CSOs as part of the Superfund clean-up. As a result the Gowanus Canal Superfund Site Community Advisory Group (CAG) has unanimously passed the following resolution—

The Gowanus Superfund Community Advisory Group fully supports the U.S. Environmental Protection Agency in its finding that New York City's Combined Sewer Overflows are a significant contributor of harmful sediment and Superfund regulated PAHs and metals to the canal. The CAG takes the position that the total elimination of CSOs into the Gowanus Canal is the only acceptable solution to the problem.

The CAG asks that the EPA, under their Superfund authority, take the necessary measures that will ensure protection of the proposed remedy from ongoing CSO sediment solids deposits and the release of PAHs and other toxins.

In summary, the CAG believes that the Superfund cleanup represents a unique opportunity to conduct a comprehensive cleanup of the Gowanus Canal and that it would be a waste of time, money, and energy to select a remedy that does not completely prevent recontamination by CSOs.

We respectfully urge you to take every action possible to support the full intent of this resolution, which will make a difference in the health and welfare of the residents of our community.

Gratefully yours,

The Gowanus Canal Community Advisory Group

Comprised of:
Brooklyn Chamber of Commerce
Carroll Gardens Coalition for Respectful Development (CORD)
Carroll Gardens Neighborhood Association
Center for Urban Pedagogy
Citizens of Pozzallo
Cobble Hill Association
Community Board 6
Fifth Avenue Committee
Friends and Residents of Greater Gowanus (FROGG)
Friends of Douglass/Greene Park, Inc.
Gowanus Canal Community Development Corporation
Gowanus Canal Conservancy
Gowanus Dredgers Canoe Club
Gowanus Houses Tenants Association
Gowanus Neighborhood Association/Gowanus-4-Life
Metropolitan Waterfront Association
Our Lady of Loretto
Council #585, Knights of Columbus
Park Slope Civic Council
Park Slope Neighbors
Pratt Center for Community Development
Proteus Gowanus
Red Hook Civic Association
Red Hook East Tenants Association
Red Hook West Tenants Association
Riverkeeper
Sierra Club
South Brooklyn Local Development Corporation
Southwest Brooklyn Industrial Development Corporation
Urban Divers Estuary Conservancy
Wyckoff Gardens Tenants Association/Public Housing Communities, Inc.

And 25 At-Large Members

Bob Perciasepe/DC/USEPA/US
Sent by: Teri Porterfield

08/06/2012 02:37 PM

To
cc
bcc
Subject Prep for Enviro Meeting on 8/10 Regarding Shell's Drilling Plan

Meeting

Date 08/06/2012
Time 05:30:00 PM to 06:15:00 PM
Chair Bob Perciasepe
Invitees
Required Arvin Ganesan; Bob Sussman; Carolyn Levine; Dave Bray; Dennis McLerran; Dianne Soderlund; Edward Kowalski; Janet McCabe; Janet Woodka; Janis Hastings; Laura Vaught; Mathy Stanislaus
Optional Gina McCarthy
FYI Ann Campbell; Donald Maddox; Elena Richardson; Mary Hanley; Matthew Magorrian; MichaelE Scozzafava; Monee Gardner; Nena Shaw; Patricia Haman; Quianna Wilkes; Shawna Bergman
Location 3412 ARN - Region to call into the deputy's tannenberg - Call in # for Janet M. 866 299 3188 Access 202 564 4711

Fw: Prep for Enviro Meeting on 8/10 Regarding Shell's Drilling Plan

Noha Gaber to: Teri Porterfield 08/03/2012 02:49 PM

Background Material for EPW Pre-Brief Meeting.docx

BACKGROUND MATERIAL FOR BOB P MEETING WITH ENVIROS.doc

Fw: Meeting on Shell's drilling plan

Bob Perciasepe to: Teri Porterfield 07/27/2012 10:23 AM

More.

Meetings.

Arvin Ganesan

----- Original Message -----

From: Arvin Ganesan

Sent: 07/27/2012 10:11 AM EDT

To: Bob Perciasepe

Subject: Re: Meeting on Shell's drilling plan

Yes. They met with Dennis and with Janet and are now going to the Hill. But yes, we should do it. They will not be happy.

Bob Perciasepe	Arvin We should likely do this, yes?	07/27/2012 10:09:08 AM

From: Bob Perciasepe/DC/USEPA/US

To: Arvin Ganesan/DC/USEPA/US@EPA

Date: 07/27/2012 10:09 AM

Subject: Re: Meeting on Shell's drilling plan

Arvin
We should likely do this, yes?

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) +1 202 368 8193

-----Athan Manuel <athan.manuel@sierraclub.org> wrote: -----
To: Bob Perciasepe/DC/USEPA/US@EPA
From: Athan Manuel <athan.manuel@sierraclub.org>
Date: 07/26/2012 02:59PM
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Subject: Meeting on Shell's drilling plan

Mr. Perciasepe - I am writing on behalf of a coalition of environmental groups, including Oceana, the League of Conservation Voters, Center for Biological Diversity, NRDC and others as well as the Sierra Club, to request a meeting to discuss Royal Dutch Shell's plans to drill in the Arctic Ocean this summer. While the Obama Administration has devoted considerable attention to this issue already, recent developments have significantly changed the decision-making landscape in ways we think are highly significant.

Since Shell received preliminary approvals for this summer, a cascade of revelations has shown it may not be nearly as able to limit harm and threats from drilling operations as it has claimed. We have many concerns with their drilling plans, especially their request to increase air pollution from its Arctic drilling rigs significantly. We met with Janet McCabe yesterday, but would also like to raise these issues with you.

We ask that you find some time in what we know to be a very busy schedule, to discuss how this Administration can responsibly deal with the growing uncertainty about Shell's readiness, and ensure that drilling does not proceed until and unless the extraordinarily rich and vulnerable public resources of the Chukchi and Beaufort Seas are securely protected.

Thank you for your consideration. Feel free to reply to the email or to call me at one of the numbers below. - Athan

--
Athan Manuel
Director, Lands Protection Program
Sierra Club
50 F St. NW, Eight Floor
Washington, DC 20001
Direct line: 202-548-4580
Fax: 202-547-6009
Cell: 202-716-0006

Gina McCarthy/DC/USEPA/US

Sent by: Addie Johnson

08/17/2010 10:48 AM

To

cc

bcc

Subject ALA discussion on E-15

Meeting

Date 09/01/2010
Time 01:15:00 PM to 02:00:00 PM
Chair Gina McCarthy
Invitees
Required Don Zinger; JNolen; John Hannon; Karl Simon; Lawrence Elworth; Lori Stewart; Margo Oge; PBillings
Optional Amit Srivastava; Cate Hight; Cindy Huang; Gladys Bryant-Akers
FYI
Location Room 5415, 18[redacted]

American Lung Association - Paul Billings
NACAA Bill Becker and/or Nancy Kruger
Sierra Club Jesse Prentice Dunn
California Brian Turner
OPEI Kris Kiser James McNew and Bill Guerry
NMMA Mathew Dunn

From: Paul Billings <PBillings@lungusa.org>

To: "'Huang.Cindy@epamail.epa.gov'" <'Huang.Cindy@epamail.epa.gov'>

Cc: Janice Nolen <JNolen@lungusa.org>

Date: 07/27/2010 08:09 AM

Subject: Meeting Request with Gina McCarthy

Good Morning
On behalf of the diverse group of environmental, state and industry signers of this letter, we would like to request a meeting with Assistant Administrator McCarthy to discuss our concerns about potential misfueling of E15 if EPA grants a waiver such fuel. We would look to the weeks of August 16 or 23 for potential dates/times.

Thank you
Paul Billings

Paul G. Billings
Vice President National Policy & Advocacy American Lung Association
1301 Pennsylvania Ave NW Suite 800
Washington, DC 20004-1725
Phone: 202-785-3355 x 3988
Fax: 202 -452-1805
pbillings@lungusa.org

Janet McCabe/DC/USEPA/US
Sent by: Addie Johnson

03/02/2011 02:38 PM

To
cc
bcc
Subject Follow-up call Avenal

Meeting

Date 03/03/2011
Time 05:30:00 PM to 06:00:00 PM
Chair Janet McCabe
Invitees
Required Brian Doster; Deborah Jordan; Joanne.Spalding; Narayan.sanjay; Richard Wayland; Scott Mathias; Steve Page
Optional
FYI
Location 1-[redacted]

OK. Would 11 eastern on the morning of 2/25 work for you? Are you 2 or 3 hours behind eastern time? and will the call be just with Sanjay or will there be others included?

I've copied Addie Johnson, who keeps my calendar, so if we need to go back and forth to find a good time, it's best to work through her.

Thanks,

Janet

-----Joanne Spalding <Joanne.Spalding@sierraclub.org> wrote: -----

To: Janet McCabe/DC/USEPA/US@EPA
From: Joanne Spalding <Joanne.Spalding@sierraclub.org>
Date: 02/18/2011 03:28PM
Cc: Sanjay Narayan <Sanjay.Narayan@sierraclub.org>
Subject: Follow-up call

Janet,

We would like to schedule a call to follow up on our conversation. Sanjay will participate for the Sierra Club, so you two can pick a time.

Best,

Joanne

Joanne Spalding
Managing Attorney
Sierra Club
85 Second Street, Second Floor
San Francisco, CA 94105
415-977-5725
415-977-5793 (Fax)
joanne.spalding@sierraclub.org

Gina McCarthy/DC/USEPA/US

Sent by: Addie Johnson

07/27/2010 05:20 PM

To

cc

bcc

Subject Meeting with NRDC, Earth Justice, ALA

Meeting

Date 07/28/2010
Time 09:15:00 AM to 10:00:00 AM
Chair Gina McCarthy
Invitees
Required Anna Wood; Janet McCabe; JNolen; Lydia Wegman; Rob Brenner; Scott Mathias; Steve Page
Optional Addie Johnson; Amit Srivastava; Don Zinger; Jean Walker; Lala Alston; Mary Resendez; Ross Natoli
FYI
Location ARN 5400 (VIDEO) Conference: 1 [redacted]

Janice Nolen, American Lung Association

David Baron, Earthjustice

John Walke, NRDC

Mark MacLeod, Environmental Defense Foundation

Vickie Patton, EDF (on the phone from Colorado)

This is to discuss the timing issues of the ozone NAAQS with her.

Thank you,
Janice

Janice E. Nolen
Assistant Vice President
National Policy and Advocacy
American Lung Association
jnolen@LungUSA.org
1301 Pennsylvania Ave NW, Suite 800
Washington, DC 20004-1725
P 202-785-3355
C 202-486-0285
F 202-452-1805

Hi Cindy,

We would like to meet with Gina McCarthy and Janet McCabe on the ozone standard, to follow up on the discussions we had with them on July 9th. I'd be joined by John Walke of NRDC, David Baron of Earthjustice, and Vickie Patton of EDF on the phone.

We all have time available these days:

7/22 Thursday afternoon between 1 and 3 PM

7/23 Friday afternoon between 3:30 – 5 PM

7/26 Monday anytime

7/27 Tuesday after 2 PM

7/28 Anytime

Thank you,

Janice

Seth Oster/DC/USEPA/US
Sent by: Candace White

07/20/2011 11:13 AM

To Bob Perciasepe, Gina McCarthy
cc
bcc
Subject Call w/ Environmental Leaders (The Administrator will be on the phone from Texas) Dial in number will be [redacted]

Meeting

Date 07/20/2011
Time 04:30:00 PM to 05:00:00 PM
Chair Seth Oster
Invitees
Required Bob Perciasepe; Gina McCarthy
Optional
FYI
Location Room 3412

Attendees

Confirmed
Margie Alt, Environmental
Gene Karpinski, LCV
Larry Schweigert, NWF
Fred Krupp, EDF

Maybe
Trip Van Noppen, Earth Justice
Frances Beinecke

No
Michael Brune, Sierra Club

Seth Oster/DC/USEPA/US
Sent by: Candace White

07/20/2011 11:16 AM

To Bob Perciasepe, Gina McCarthy

cc

bcc

Subject Information Update - Location has changed: Call w/ Environmental Leaders (The Administrator will be on the phone from Texas) Dial in number will be [redacted]

Attendees

Confirmed
Margie Alt, Environmental
Gene Karpinski, LCV
Larry Schweigert, NWF
Fred Krupp, EDF

Maybe
Trip Van Noppen, Earth Justice
Frances Beinecke

No
Michael Brune, Sierra Club

Seth Oster/DC/USEPA/US
Sent by: Candace White

07/20/2011 11:35 AM

To Janet McCabe

cc

bcc

Subject Declined: Call w/ Environmental Leaders (The Administrator will be on the phone from Texas) Dial in number will be [redacted]

Attendees

Confirmed
Margie Alt, Environmental
Gene Karpinski, LCV
Larry Schweigert, NWF
Fred Krupp, EDF

Maybe
Trip Van Noppen, Earth Justice
Frances Beinecke

No
Michael Brune, Sierra Club

Janet McCabe/DC/USEPA/US
Sent by: Emily Atkinson

08/23/2012 10:18 AM

To Anna Wood, Elliott Zenick, Joseph Goffman, Mike Koerber, Sam Coleman, Steve Page
cc Amit Srivastava, Cynthia Browne, Lala Alston
bcc
Subject Las Brisas Energy Center & Federal GHG Requirements (Sierra Club)

Meeting

Date 09/05/2012
Time 04:00:00 PM to 05:00:00 PM
Chair Janet McCabe
Invitees
Required Anna Wood; Elliott Zenick; Joseph Goffman; Mike Koerber; Sam Coleman; Steve Page
Optional Amit Srivastava; Cynthia Browne; Lala Alston
FYI
Location ARN5415 (Video) | 1-[redacted]

If we could schedule the meeting for sometime September 4-7 in DC, Bruce Nilles in our DC office would like to attend in person, and I will attend by phone or possibly video conference if our systems are compatible. It would just be the two of us for Sierra Club. Let me know if that works for you all when you have a chance. Thanks,

Elena

Elena Saxonhouse

Staff Attorney

Sierra Club

85 Second Street, 2nd Floor

San Francisco, CA 94105

415-977-5765

On Mon, Aug 20, 2012 at 4:09 PM, Elena Saxonhouse <elena.saxonhouse@sierraclub.org> wrote:

Ok, there's a chance I'll be in Oklahoma City around then, which would make Dallas not too far, and the possibility of combining some other things in DC. It's always nicer to meet face to face when possible! I'll get it figured out soon and let you know. Emily, feel free to toss out some dates/times that work for the others in the meantime. I'm fairly flexible so far.

Elena Saxonhouse

Staff Attorney

Sierra Club

85 Second Street, 2nd Floor

San Francisco, CA 94105

415-977-5765

On Mon, Aug 20, 2012 at 4:05 PM, Janet McCabe <McCabe.Janet@epamail.epa.gov> wrote:

thanks, Elena....i'm fine with everyone participating by phone rather than traveling to either DC or Dallas. it's really up to you.

Janet McCabe
Principal Deputy Assistant Administrator
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

From: Elena Saxonhouse <elena.saxonhouse@sierraclub.org>
To: Janet McCabe/DC/USEPA/US@EPA

Cc: Avi Garbow/DC/USEPA/US@EPA, Flavia de la Fuente <flavia.delafuente@sierraclub.org>, Sam Coleman/R6/USEPA/US@EPA, Emily Atkinson/DC/USEPA/US@EPA

Date: 08/20/2012 07:00 PM

Subject: Re: Las Brisas Energy Center & Federal GHG requirements

Yes, that works. I'm based in our San Francisco office, so I'll have to figure out whether I can be in Dallas or DC in early September or whether it makes sense to join by phone, but we can definitely start looking at dates. Thanks again for your time.

Elena Saxonhouse
Staff Attorney
Sierra Club
85 Second Street, 2nd Floor
San Francisco, CA 94105
415-977-5765

On Mon, Aug 20, 2012 at 3:18 PM, Janet McCabe <McCabe.Janet@epamail.epa.gov> wrote:
Ms Saxonhouse,

Thanks again for your letter.....I've spoken with Sam Coleman and he and I would be happy to schedule a meeting with you to discuss the issues you raise in your letter. If it would be more convenient for you to come to the Dallas office, I can arrange to join by videoconference. Or Sam can join by video, if we meet in DC. Whatever works best for you.

I will be on vacation starting this wednesday through Labor Day. I am copying Emily Atkinson, who can work with you to find a date and time that work for you and Sam for after I return. Will that work?

Thanks again,

Janet McCabe
Principal Deputy Assistant Administrator
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

From: Elena Saxonhouse <elena.saxonhouse@sierraclub.org>
To: Janet McCabe/DC/USEPA/US@EPA
Cc: Sam Coleman/R6/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Flavia de la Fuente <flavia.delafuente@sierraclub.org>

Date: 08/06/2012 07:51 PM

Subject: Las Brisas Energy Center & Federal GHG requirements

Dear Ms. McCabe,

Please see the attached letter on behalf of Sierra Club and a number of doctors and scientists. I hope we can discuss the important issue of Las Brisas's compliance with federal greenhouse gas regulations once you have had a chance to review the letter and recent state court opinion. Thank you for your attention to this matter. Note that there is one attachment listed as an enclosure on the letter that I was not able to print or attach by email due to its large file size and errors in the document (Corpus Christi Sustainability Plan). You can access it at the website cited in the letter, and we quote the key portion in the letter. Sorry for any inconvenience and I look forward to hearing from you.

Sincerely,

Elena Saxonhouse
Staff Attorney
Sierra Club
85 Second Street, 2nd Floor
San Francisco, CA 94105
415-977-5765

[attachment "SC & Drs. Ltr to J. McCabe re Las Brisas 8-6-12.pdf" deleted by Janet McCabe/DC/USEPA/US] [attachment "tx-lasbrisas_epa-letter-to-tceq_2011-1-24.pdf" deleted by Janet McCabe/DC/USEPA/US] [attachment "Las Brisas Final Order_signed July 24 2012.pdf" deleted by Janet McCabe/DC/USEPA/US] [attachment "State Ct Letter of Intent to Remand Las Brisas Permit.pdf" deleted by Janet McCabe/DC/USEPA/US]

Janet McCabe/DC/USEPA/US
Sent by: Emily Atkinson

06/13/2012 10:49 AM

To
cc
bcc
Subject Georgia Pacific Petition

Meeting

Date 06/18/2012
Time 09:45:00 AM to 10:30:00 AM
Chair Janet McCabe
Invitees
Required Apple Chapman; Carrie Wheeler; Genevieve Damico; Grecia Castro; James Havard; Jane Woolums; Janet McDonald; Juan Santiago; Michael Ling; Sara Schneeberg; Steve Page; Susan Kraj; Susan Stahle; Virginia Sorrell
Optional Gregory Fried; Johnetta Heilig; Kirsten King; Lala Alston; Maria Sanders; Sharon Cooperstein
FYI
Location ARN5428 | 1 [redacted]

OAR Meeting Request Form

Requesting Meeting/Conference Call with: Janet McCabe

Date of this Request: 05/15/12

Point of Contact (Name/Number): Janet McDonald 919-541-1450

Title of Meeting: Georgia Pacific Petition.

Purpose of Meeting: DECISIONAL – To obtain decisions on how to respond to issues presented in the Title V petition.

Priority Status (check one) X Critical Less Immediate

Last possible date for meeting: May 23, 2012

If the meeting is critical, please explain why:
We have a court-ordered deadline of 07/23/12 to respond to a Title V petition submitted by the Sierra Club. This meeting is needed by the date above in order to meet this schedule.

Location of Meeting: 5400 ARN and teleconference in OAQPS.

Length of Meeting: 60 minutes

DATES TO AVOID: None

Key Participants: *Critical People

Office/Organization	Name
OAQPS	Steve Page
OAQPS	Michael Ling
OAQPS	Janet McDonald
OAQPS	Grecia Castro, Carrie Wheeler
OGC	Susan Stahle
OGC	Sara Schneeberg
OGC	James Havard
OECA	Greg Fried (optional)
OECA	Apple Chapman
OECA	Virginia Sorrell
Region 5	Susan Kraj
Region 5	Jane Woolums
Region 5	Genevieve Damico

Cc:

OAQPS	Anna Wood
OAQPS	Mike Koerber

Authorized by: Janet McDonald — Group Leader — May 14, 2012 — Date

Authorized by: Michael Ling - for — Director, Air Quality Policy Division — May 14, 2012 — Date

Bob Sussman/DC/USEPA/US
Sent by: Georgia Bednar

10/01/2009 03:04 PM

To Beth Craig
cc Teri Porterfield
bcc
Subject South Dakota Oil Refineries

Meeting

Date 10/05/2009
Time 03:00:00 PM to 04:00:00 PM
Chair Bob Sussman
Invitees
Required Beth Craig; Callie Videtich; Carol Rushin; Johnpc Fogarty; Peter Tsirigotis; Richard Ossias; Steve Page
Optional Barbara Morris; Charles Imohiosen; Colleen Flaherty; Georgia Bednar; Jean Walker; KTamillow; Lynn Zipf; Marta Montoro; Robert Polin; Tanya Johnson; Teri Porterfield
FYI
Location 3216 ARS OECA Conference Room
Call In Number: [redacted]

AS OF 10/01/09
1200 Pennsylvania Ave, NW
Room 3309 ARN
Washington, DC
Please call 202-564-8443 to be escorted into the building.

AS OF 9/25/2009
Georgia,

Yes, we are still on for 3:00 p.m. Attending the meeting will be Howard Learner (ELPC), Gay Sigel (Jenner & Block), Professor Dean Spader (South Dakota Sierra Club) and Ed Cable (Save Union County). I will go ahead and advise them that the meeting is confirmed and they should purchase plane tickets.

Who is planning to attend from EPA?

Thanks!
Kay

Kay Tamillow
Executive Assistant
Environmental Law & Policy Center
35 E. Wacker Drive, Suite 1300
Chicago, IL 60601
312-795-3709 (direct)
312-673-6500 (main)
www.elpc.org

Howard Learner, Environmental Law & Policy Center
Bob Graham, Jenner & Block

RE: South Dakota Oil Refineries

POC
Kay Tamillow
(312) 795-3709

EPA POC:
Georgia Bednar
202-564-9816
bednar.georgia@epa.gov

Lisa Garcia/DC/USEPA/US
11/19/2012 06:51 PM

To Janet McCabe, Gina McCarthy
cc
bcc
Subject Fw: Tuesday, November 20, 2012 Schedule for Lisa P. Jackson

Hi Janet:

Can I stop or sit in by the ALA meeting tomorrow. Liz told me it was a packed room, so I can sit on the sides.

let me know, lisa g

Lisa F. Garcia, Esq.
Senior Advisor to the Administrator
for Environmental Justice

US EPA
1200 Pennsylvania Ave NW
Room 3000 ARS: MC-1101A
Washington, DC 20460
Tel: (202) 564 1259
E-mail: garcia.lisa@epa.gov

----- Forwarded by Lisa Garcia/DC/USEPA/US on 11/19/2012 06:21 PM -----

From: Noah Dubin/DC/USEPA/US
To:
Date: 11/19/2012 06:06 PM
Subject: Tuesday, November 20, 2012 Schedule for Lisa P. Jackson

*** do not copy or forward this information ***

Schedule for Lisa P. Jackson EPA Administrator
Tuesday, November 20, 2012

Notes:

Drivers
AM [redacted]

Shift Leaders
AM [redacted]

Staff Contact [redacted]

08:30 AM - 09:30 AM	Sou'Wester - Mandarin Oriental Hotel - 1330 Maryland Ave. SW	Breakfast with Secretary Donovan Ct: Ryan Robison - 202-286-0174 HUD Ct. Christina Cue - 202-402-5469 Cell - 202-591-9935 **Reservations under P. Jackson
09:30 AM - 10:15 AM	Via Phone	FYI: Senior Leadership Call re: Hurricane Sandy 1-8[redacted] Code: 2[redacted]

		Agenda: Opening Remarks: Mathy Stanislaus Report-outs: -Region 2 -HQ EOC/Office of Emergency Management -Other HQ Offices Administrator's Office Remarks: Administrator Jackson, Deputy Administrator Perciasepe, Chief of Staff Thompson Closing Remarks: M. Stanislaus
09:30 AM - 09:45 AM	Mandarin Oriental	Depart for Ariel Rios
10:00 AM - 11:00 AM	Bullet Room	Deputy Administrator's Meeting with American Lung Association and Other Stakeholder Groups Ct: Paul Billings - paul.billings@lung.org Ct: Janice Nolen - janice nolen@lung.org **Topic: PM NAAQS **The Administrator will drop by for the last 15 minutes of this meeting Attendees: American Lung Association: -Norman H. Edelman, MD, Chief Medical Officer, -Paul Billings, Senior Vice President, Advocacy and Education -Peter Iwanowicz, Assistant Vice President, Healthy Air Campaign American Heart Association: -Sue Nelson, Vice President of Federal Advocacy American Public Health Association: -Susan Polan, PhD, Associate Executive Director Asthma and Allergy Foundation: -Charlotte Collins, JD, Senior Vice President American Thoracic Society: -Stephen C. Crane, PhD, MPH, Executive Director -Gary Ewart, Senior Director, Government Relations March of Dimes: -Cindy Pellegrini, Senior Vice President, Public Policy & Government Affairs National Association of County and City Health Officials: -Robert M. Pestronk, MPH, Executive Director -(Ms.) Eli Briggs, Director, Government Affairs Staff:

		Bob Perciasepe (OA) Gina McCarthy, Janet McCabe, Joe Goffman (OAR) Scott Fulton or Avi Garbow (OGC) Optional: Diane Thompson (OA) Jim O'Hara (OEAEE) Arvin Ganesan (OCIR)
12:00 PM - 01:00 PM	Administrator's Office	No Meetings
01:00 PM - 01:45 PM	Bullet Room	Briefing on Rodenticides Ct: Gloria Milhouse - 202-564-4206 Staff: Jim Jones, Louise Wise, Steven Bradbury, Marty Monell, Richard Keigwin, William Jordan, Robert Perlis (OCSPP) Scott Fulton, Brian Grant (OGC) Optional: Bob Perciasepe, Bob Sussman, Diane Thompson (OA)
02:00 PM - 02:30 PM	Administrator's Office	One on One with Arthur Elkins Ct: Darryl Mason 202-566-0871 Staff: Arthur Elkins (OIG) Optional: Diane Thompson, Bob Perciasepe, Bob Sussman (OA)
03:00 PM - 03:30 PM	Administrator's Office	Senior Leadership Retreat Pre-Brief Ct: Jose Lozano - 202-564-7433 **Aaron will call Jose at 732-970-4988 Staff: Bob Perciasepe, Bob Sussman, Diane Thompson, Jose Lozano (OA)

[redacted]

04/14/2011 12:45 PM

Please respond to lisapjackson@verizon.net

To Alisha Johnson, Brendan Gilfillan, Michael Moats, Seth Oster, Adora Andy, David McIntosh, Michael Goo, Gina McCarthy

cc

bcc

Subject Fw: TIME's Bryan Walsh on his Sierra Club-sponsored mercury test

This is cool amplification. Can we tweet this? Tx.

Sent from my Verizon Wireless BlackBerry

From: Michael Brune <Michael.Brune@sierraclub.org>
Date: Wed, 13 Apr 2011 19:13:27 -0700
To: [redacted]
Subject: Fw: TIME's Bryan Walsh on his Sierra Club-sponsored mercury test

Greetings from Puerto Rico! Thought you might like this...

Michael Brune
Executive Director
Sierra Club
415-977-5662

Follow on Facebook and Twitter
www.sierraclub.org

----- Forwarded by Michael Brune/Sierraclub on 04/13/2011 07:11 PM -----

From: David Graham-Caso <david.grahamcaso@sierraclub.org>
To: "#Coal" <#Coal@sierraclub.org>, "#Communications-All" <#Communications-All@sierraclub.org>
Date: 04/12/2011 05:08 PM
Subject: TIME's Bryan Walsh on his Sierra Club-sponsored mercury test
Sent by: david.grahamcaso@apps.sierraclub.org

---

http://www.time.com/time/health/article/0,8599,2064935,00.html?xid=tweetbut

GOING GREEN

How My Mercury Level Hit Double the Safety Limit

By Bryan Walsh Tuesday, Apr. 12, 2011

A couple of weeks ago I took a pair of scissors and clipped a thatch of hair from the back of my

head. I did not do this lightly — much like petroleum, my hair is an increasingly scarce resource, and I'm doing my best to conserve it. But I was taking part in a Sierra Club-sponsored test for mercury contamination in people, and levels of the toxic metal can be detected through the hair. So I taped the small sample I could spare inside an envelope and sent it off to the University of Georgia, which was doing the actual testing. And then I pretty much forgot about it.

So I was more than a bit surprised when an express letter arrived at my home from the University of Georgia a few days later, with a message from Lisa Liguori, the scientist who runs the testing lab there. It turned out that my mercury levels were more than twice the government-recommended safety limit. I wasn't exactly a walking thermometer, but I had a surprising amount of the stuff in my blood and body. (See the World's Top 10 Environmental Disasters)

Fortunately, for a man, mercury contamination isn't considered a significant health risk — and my levels are still well below the point at which harm would likely occur in any case. But women who are pregnant or want to get pregnant, as well as very young children are a different story; those groups are more vulnerable to mercury contamination. The reason is that mercury is a neurotoxin that impairs brain development in young children, either directly, or through a pregnant or nursing mother. According to the Environmental Protection Agency (EPA), as many as 1 in 12 American women have enough mercury in their bodies to put a baby at risk, which means as many as 300,000 infants a year may be at increased danger of learning disabilities associated with in utero exposure to mercury. "For kids that young, their brains are developing and vulnerable to this," Liguori told me.

But here's what I wanted to know: how did I get exposed to mercury? I don't exactly handle the metal in my job, so there's no likely way I would be directly exposed to it. But I do eat seafood — a lot. I probably have a tuna sandwich twice a week for lunch, and I eat sushi — a habit I picked up during my reporting stint in Japan — almost as often. I always thought that was healthy — and indeed, fish like tuna are a valuable source of protein and omega-3 fatty acids, which are good for the heart. But those same fish can have high mercury levels. "Seafood is the main route of exposure for Americans," says Liguori. (See pictures of the effects of Global Warming)

But don't blame the beleagured fish directly for the problem. We may be exposed to mercury via some seafood, but beyond naturally occurring mercury in the environment, much of the pollution begins with coal, which can contain mercury. Nearly every lump of coal we burn for energy releases some of its mercury into the atmosphere and since we burn a lot of coal, we release a lot of the toxin. (Between 1999 and 2005 — the most recent years for data — mercury emissions from power plants increased more than 8%, from 49 tons to 53 tons.) From there, some of the mercury ends up in the aquatic environment — rivers, lakes or the oceans — where bacteria transform it into organic methylmercury, which is digestible by animals but also more toxic. The methylmercury steadily moves up the food chain, bioaccumulating in large predatory fish or in especially long-lived species — which is why big hunters like the tuna or swordfish tend to have higher levels. In 2008, there were 16.8 million acres of lakes and 1.3 million miles of river under advisory for mercury levels, an increase of 19% and 42% respectively since 2006. "The big fish accumulate the mercury from the little fish, and then it ends up on your plate," says Mary Anne

Hitt, the deputy director of the Sierra Club's National Coal program.

(See more TIME environmental news in Going Green)

Disturbingly, there's no way to remove the mercury by washing fish before we eat them because it binds to the muscle. When we digest that muscle though, its mercury load stays with us. The answer is not to abandon seafood because of mercury fears; that would almost certainly leave you worse off because you'd lose the cardiovascular benefits of eating fish. "For the general population, there is convincing evidence that the cardiovascular benefits of greatly outweigh the risks," says Harvard medical professor Dr. Dariush Mozaffarian, co-author of one of the most comprehensive studies in fish consumption. "Eating a variety of fish and other seafood at least twice per week, preferably oily and dark meat fish, is a great target."

Whatever your risk tolerance, the good news is that you can rapidly reduce your mercury levels through some simple changes in your diet while still eating plenty of seafood. Instead of chunky white tuna, you can choose light tuna, which has lower mercury levels, or try seafood like salmon, pollock or shrimp. Eating lower on the marine food chain — think sardines and mussels — is a good way to minimize mercury exposure too — and it also happens to be more sustainable for sealife. "Before I got pregnant, I lowered my mercury level by 70% in approximately two months by changing my habits while still eating seafood twice a week," Liguori told me.

That's a relief — though I suspect that if I end up getting pregnant, I may have bigger health worries than my mercury levels. But it's wrong that anyone should be put at any risk, however uncertain, simply for eating seafood. Instead, we need to stop mercury pollution at its source. That's what the EPA is finally poised to do: after years of delay, the agency recently proposed the first regulations for mercury emissions from coal plants, along with arsenic and other toxic pollutants. Those rules would cut mercury emissions by about 91%, along with emissions of arsenic, chromium and other toxic pollutants. According to the EPA, those new roles would also help limit fine particulate pollution, which would prevent some 17,000 premature deaths and 11,000 heart attacks a year, in addition to reducing mercury contamination. (Fine particulate pollution has been linked to heart disease.) The utility industry is expected to fight those regulations, which will cost about $10 billion a year to implement but could provide as much as $100 billion a year in public health benefits. "People might think that coal plant pollution is something that only affects you if you live right next to one," says Hitt. "But the mercury issue shows we can all be affected by coal." And I've got the tests to prove it.

--
David Graham-Caso
Associate Press Secretary
Sierra Club
office: (213) 387-6528 ext. 214
cell: (858) 945-2203
e-mail: david.grahamcaso@sierraclub.org

www.sierraclub.org

Ragan Tate/DC/USEPA/US
05/15/2012 05:57 PM

To Brenda Mallory, Bruce Aber, Carl Dierker, Joseph Donovan, Kavita Batra, OGC ALL USERS, OGC RCs and DRCs, Richard Kuhlman

cc

bcc

Subject Confirmed: SWERLO Brownbag - RCRA Definition of Solid Waste and EJ Methodology Analysis (May 16 12:00 PM EDT in ARN 4045)

Under the October 2008 Definition of Solid Waste (DSW) final rule certain hazardous secondary materials being recycled would no longer be regulated as hazardous waste, as long as certain conditions were met. The intended effect of the DSW rule was to encourage safe recycling of hazardous secondary material and answer long-standing questions about the RCRA definition of solid waste. Based on issues raised by Sierra Club and others regarding the protectiveness of the rule, particularly for low-income and minority communities, EPA committed to performing an expanded environmental justice analysis of the 2008 DSW rule. EPA held three public meetings to discuss the methodology for the DSW EJ analysis. The analysis is meant to be a model for EJ analyses to be conducted by EPA for rulemakings.

Alan Carpien will introduce the issue and Tracy Atagi of the Office of Resource Conservation and Recovery (ORCR) will be presenting a summary of the EJ analysis.

CALL-IN: [redacted]#

PLEASE DO NOT PLACE THE CONFERENCE CALL ON HOLD TO PREVENT INTERFERENCE ON THE LINE

Ragan Tate/DC/USEPA/US
05/15/2012 05:59 PM

To Brenda Mallory, Bruce Aber, Carl Dierker, Joseph Donovan, Kavita Batra, OGC ALL USERS, OGC RCs and DRCs, Richard Kuhlman
cc
bcc
Subject Confirmed: SWERLO Brownbag - RCRA Definition of Solid Waste and EJ Methodology Analysis (May 16 12:00 PM EDT in ARN 4045)

DSW EJ Briefing 08-22-11.pptx

Under the October 2008 Definition of Solid Waste (DSW) final rule certain hazardous secondary materials being recycled would no longer be regulated as hazardous waste, as long as certain conditions were met. The intended effect of the DSW rule was to encourage safe recycling of hazardous secondary material and answer long-standing questions about the RCRA definition of solid waste. Based on issues raised by Sierra Club and others regarding the protectiveness of the rule, particularly for low-income and minority communities, EPA committed to performing an expanded environmental justice analysis of the 2008 DSW rule. EPA held three public meetings to discuss the methodology for the DSW EJ analysis. The analysis is meant to be a model for EJ analyses to be conducted by EPA for rulemakings.

Alan Carpien will introduce the issue and Tracy Atagi of the Office of Resource Conservation and Recovery (ORCR) will be presenting a summary of the EJ analysis.

CALL-IN: [redacted]#

PLEASE DO NOT PLACE THE CONFERENCE CALL ON HOLD TO PREVENT INTERFERENCE ON THE LINE

scheduling
Sent by: Ryan Robison

03/02/2012 03:28 PM

To Bob Perciasepe, Gina McCarthy, Scott Fulton
cc Carla Veney, Cindy Huang, Denise Anderson, Teri Porterfield
bcc
Subject Administrator's Call with Environmental Leaders

Meeting

Date 03/09/2012
Time 04:30:00 PM to 05:00:00 PM
Chair scheduling
Invitees
Required Bob Perciasepe; Gina McCarthy; Janet McCabe; Scott Fulton
Optional Carla Veney; Cindy Huang; Denise Anderson; Teri Porterfield
FYI
Location Administrator's Office

Conference Number: [redacted]
Conference Code: [redacted]

Participants:

-Peter Lehner - Natural Resources Defense Council

-Michael Brune - Sierra Club

-Fred Krupp - Environmental Defense Fund

Staff:
Bob Perciasepe (OA)
Gina McCarthy (OAR)
Scott Fulton (OGC)

scheduling
Sent by: Ryan Robison

03/05/2012 12:55 PM

To Janet McCabe
cc
bcc
Subject Administrator's Call with Environmental Leaders

Meeting

Date 03/09/2012
Time 04:30:00 PM to 05:00:00 PM
Chair scheduling
Invitees
Required Bob Perciasepe; Gina McCarthy; Janet McCabe; Scott Fulton
Optional Carla Veney; Cindy Huang; Denise Anderson; Teri Porterfield
FYI
Location Administrator's Office

Conference Number: [redacted]
Conference Code: [redacted]

Participants:

-Peter Lehner - Natural Resources Defense Council

-Michael Brune - Sierra Club

-Fred Krupp - Environmental Defense Fund

Staff:
Bob Perciasepe (OA)
Gina McCarthy (OAR)
Scott Fulton (OGC)

Shela Poke-Williams/DC/USEPA/US
08/17/2009 05:07 PM

To Kol Peterson, John Millett, Adam Kushner, Angela Nelson, Carl Mazza, Carlos Alfaro, Carol Holmes, Carolyn Inge, Carolyn Jennings, Charmaine McDuffie, Crystal Edwards, Cynthia Bowie, Elliott Zenick, Esmeralda Marshall, Jean Walker, John Hannon, Johnpc Fogarty, Kamal Thadani, Luddie Murray, Maria Sanders, Mary Henigin, Pam Mazakas, Patricia Embrey, Richard Ossias, Rob Brenner, Robin Kime, Sara Schneeberg, Sue Stendebach, Teri Porterfield, Tina Murphy, Valerie Washington, Wendy Blake, Jim Ketcham-Colwill, Nancy Ketcham-Colwill, Kevin McLean, Blanche Scott, Jerry Kurtzweg, Brian Mclean, Sarah Sowell, Jacob Moss, Andrea Drinkard, Addie Johnson, Beth Craig, Joseph Morris, Jackie Krieger, Virginia Stradford

cc

bcc

Subject AA McCarthy's Schedule

Shela Poke-Williams
Staff Assistant
Office of Air & Radiation
202-564-1850
----- Forwarded by Shela Poke-Williams/DC/USEPA/US on 08/17/2009 05:06 PM -----

Gina McCarthy **August 18 - August 18, 2009** **Calendar**

Tuesday, August 18

08:00 AM 08:30 AM

04:30 PM	05:00 PM	The Administrator's Meeting with the American Lung Association's CEO and President, Charles D. Connor *Location:* The Bullet Room
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

Shela Poke-Williams/DC/USEPA/US
08/18/2009 04:53 PM

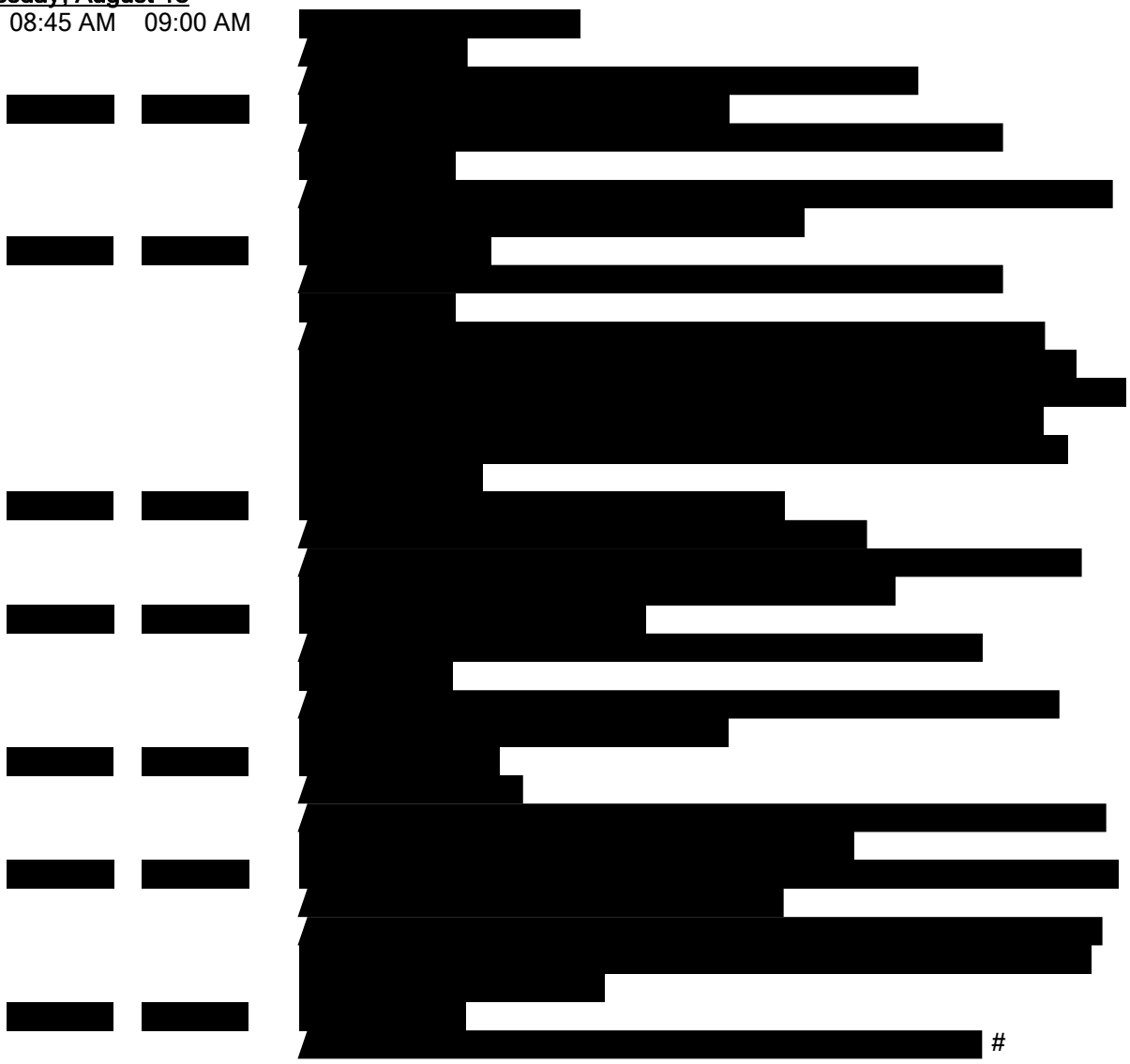
To mccarthy.gina
cc
bcc
Subject Wednesday Schedule

Shela Poke-Williams
Staff Assistant
Office of Air & Radiation
202-564-1850
----- Forwarded by Shela Poke-Williams/DC/USEPA/US on 08/18/2009 04:53 PM -----

Gina McCarthy	August 18 - August 18, 2009	Calendar

Tuesday, August 18

08:45 AM 09:00 AM



#

[redacted]

[redacted]

04:30 PM 05:00 PM The Administrator's Meeting with the American Lung Association's CEO and President, Charles D. Connor
Location: The Bullet Room
Required Invitees: Beth Craig, Brian Mclean, Diane Thompson, Dina Kruger, Elizabeth Cotsworth, Gina McCarthy, Jeffrey Clark, Lydia Wegman, Margo Oge, Rob Brenner

05:15 PM 06:00 PM [redacted]

[redacted]

[redacted]

Gina McCarthy/DC/USEPA/US	To	Addie Johnson, Beth Craig
Sent by: Teri Porterfield	cc	
	bcc	
11/02/2009 07:31 AM	Subject	Enviro Group Mtg.

Meeting

Date	11/02/2009
Time	10:30:00 AM to 11:30:00 AM
Chair	Gina McCarthy
Invitees	
Required	Addie Johnson; Avi Garbow; Beth Craig; Mary-Kay Lynch; Mathy Stanislaus; Michael Broughton; Patrick Easter; Peter Silva
Optional	Alecia Allston; Dana Tulis; Don Zinger; Drew McConville; Lori Keyton; morris.barbara; Ross Natoli; Sara DeCair; Tom Kelly
FYI	
Location	Conf Room: 5415 ARN Call In # [redacted]#

Gina asked that we work with you to schedule a meeting for her and the other EPA recipients (Mathy Stanislaus, OSWER AA, Peter Silva, OW AA, and Scott Fulton, General Counsel) with the senders of an August 5, 2009 letter about the Agency's radiation guidance. Dan Hirsch, listed below, has offered to serve as a coordinator for the group. His contact information is as follows: phone 831-332-3099, email cbghirsch@aol.com.

The other senders are listed here:
Anne Rabe, Lois Gibbs: Center for Health, Environment & Justice
Lynn Thorp: Clean Water Action
Daniel Hirsch: Committee to Bridge the Gap
Anna Aurelio: Environment America
Wenonah Hauter: Food and Water Watch
Erich Pica: Friends of the Earth
Jim Riccio: Greenpeace
Mary Elizabeth Lampert: Massachusetts Citizens for Safe Energy
Geoff Fettus: Natural Resources Defense Council
Diane D'Arrigo: Nuclear Information and Resource Service
Professor Richard Clapp: Boston University School of Public Health
Allison Fisher: Public Citizen
Dave Hamilton: Sierra Club

Gina McCarthy/DC/USEPA/US

Sent by: Teri Porterfield

02/17/2010 12:23 PM

To Amy Branning, Patricia Embrey, Peter Tsirigotis, Steve Page, Wendy Blake

cc Don Zinger, Donald Maddox, Janet McCabe, Jean Walker, Lala Alston

bcc

Subject Rescheduled: RTR Deadline Suite - DO NOT MOVE. (Feb 23 12:30 PM EST in Conf room 5400 ARN Call In $ [redacted] - Please try not to reschedule - folks have purchased airline tickets for this meeting.)

Subject: Scheduling a meeting between Gina and plaintiffs in the mega deadline suit on tech and residuual risk review (RTR deadline suit)

Hi Teri:

I am the OGC attorney responsible for the above mentioned deadline suit. It is my understanding that Gina has agreed to meet with Plaintiff Sierra Club and that Janet will attend this meeting with Gina. I was also informed that I should contact you about setting up this meeting.

The attendees from Sierra Club will be Jane Williams (Chair, National Air Toxics Taskforce, Sierra Club). She plans to fly in from California to attend this meeting in person. She will be accompanied by her counsel, Earth Justice attorneys James Pew and Emma Cheuse.

Because this is a litigation matter, we need to include the DOJ attorney, Rochelle Russell. Rochelle is located in California and will participate by phone.

OGC attendees will be Patricia Embrey, Wendy Blake and me. I believe that Peter Tsirigotis will represent OAQPS at this meeting.

After checking Sierra Club's and DOJ's availability, the following dates would work for the meeting: Tues. 2/16, Tues. 2/23 or Weds. 2/24. Can you see if Gina is available on any of these dates for this meeting? Also, I would gladly contact Sierra Club and DOJ once you give me the time and date, or let me know if you prefer to contact them directly.

Thank you in advance.

Amy Huang Branning
EPA Office of General Counsel
phone: (202) 564-1744
fax: (202) 564-5603 or (202) 564-0070

Gina McCarthy/DC/USEPA/US

Sent by: Teri Porterfield

02/17/2010 11:31 AM

To Amy Branning, Patricia Embrey, Peter Tsirigotis, Steve Page, Wendy Blake

cc Don Zinger, Donald Maddox, Janet McCabe, Jean Walker, Lala Alston

bcc

Subject Rescheduled: RTR Deadline Suite (Feb 25 10:00 AM EST in Conf room 5400 ARN Call In $ [redacted] Please try not to reschedule - folks have purchased airline tickets for this meeting.)

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phone: (202) 564-1744
fax: (202) 564-5603 or (202) 564-0070

Gina McCarthy/DC/USEPA/US

Sent by: Teri Porterfield

03/30/2010 10:45 AM

To Brian Mclean, Janet McCabe, Joseph Goffman, Peter Tsirigotis, Rob Brenner, Robert Wayland, Sam Napolitano, Sonja Rodman, Steve Page

cc Cindy Huang, Don Zinger, Donald Maddox, Drew McConville, Jeffrey Clark, Marjean Gleaton, Ross Natoli

bcc

Subject Discuss Transport Rule w/Enviros

Meeting

Date 04/08/2010
Time 12:00:00 PM to 01:00:00 PM
Chair Gina McCarthy
Invitees
Required Brian Mclean; Janet McCabe; Joseph Goffman; Peter Tsirigotis; Rob Brenner; RobertJ Wayland; Sam Napolitano; Sonja Rodman; Steve Page
Optional Cindy Huang; Don Zinger; Donald Maddox; Drew McConville; Jeffrey Clark; Marjean Gleaton; Ross Natoli
FYI
Location 5400 ARN Call In # [redacted]

POC: Janice Nolen - 202-715-3444

From: Janice Nolen <JNolen@lungusa.org>
To: Gina McCarthy/DC/USEPA/US@EPA
Cc: Shela Poke-Williams/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Rob Brenner/DC/USEPA/US@EPA, "Jwalke@nrdc.org" <Jwalke@nrdc.org>, Vickie Patton <vpatton@edf.org>, Mark MacLeod <mmacleod@edf.org>, "dbaron@earthjustice.org" <dbaron@earthjustice.org>, Paul Billings <PBillings@lungusa.org>, James Pew <jpew@earthjustice.org>, "Conrad Schneider (cschneider@catf.us)" <cschneider@catf.us>, Steve Page/RTP/USEPA/US@EPA
Date: 03/15/2010 11:57 AM
Subject: Requesting a meeting to discuss CAIR

Hello, Gina,
We and our colleagues in the environmental community appreciate the willingness you and your staff have shown to talk with us on many issues. We would like to schedule a meeting with you to discuss the CAIR replacement rule under development. We understand you are hoping to announce something next month.

Thank you,
Janice Nolen

Janice E. Nolen
Assistant Vice President
National Policy and Advocacy
American Lung Association
jnolen@LungUSA.org
1301 Pennsylvania Ave NW, Suite 800
Washington, DC 20004-1725

Gina McCarthy/DC/USEPA/US	To	
Sent by: Teri Porterfield	cc	
	bcc	
03/30/2010 02:23 PM	Subject	Discuss Transport Rule w/Enviros

Meeting

Date	04/08/2010
Time	12:00:00 PM to 01:00:00 PM
Chair	Gina McCarthy
Invitees	
Required	Brian Mclean; Janet McCabe; Joseph Goffman; Peter Tsirigotis; Rob Brenner; RobertJ Wayland; Sam Napolitano; Sonja Rodman; Steve Page
Optional	Cindy Huang; Don Zinger; Donald Maddox; Drew McConville; Jeffrey Clark; Marjean Gleaton; Ross Natoli
FYI	
Location	5415 ARN Call In # [redacted] #

POC: Janice Nolen - 202-715-3444

Here is the final list of participants for tomorrow's meeting with Gina McCarthy.

Attending in person will be:

- Janice Nolen, American Lung Association
- Paul Billings, American Lung Association
- David Baron, Earthjustice
- Jim Pew, Earthjustice
- Ann Weeks , Clean Air Task Force
- Mark MacLeod, Environmental Defense Fund
- Frank O'Donnell, Clean Air Watch

Attending by phone will be:

- John Walke, NRDC
- Vickie Patton, Environmental Defense Fund
- Conrad Schneider, , Clean Air Task Force

From:	Janice Nolen <JNolen@lungusa.org>
To:	Gina McCarthy/DC/USEPA/US@EPA
Cc:	Shela Poke-Williams/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Rob Brenner/DC/USEPA/US@EPA, "Jwalke@nrdc.org" <Jwalke@nrdc.org>, Vickie Patton <vpatton@edf.org>, Mark MacLeod <mmacleod@edf.org>, "dbaron@earthjustice.org" <dbaron@earthjustice.org>, Paul Billings <PBillings@lungusa.org>, James Pew <jpew@earthjustice.org>, "Conrad Schneider (cschneider@catf.us)" <cschneider@catf.us>, Steve Page/RTP/USEPA/US@EPA
Date:	03/15/2010 11:57 AM
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Thank you,
Janice Nolen

Janice E. Nolen
Assistant Vice President
National Policy and Advocacy
American Lung Association
jnolen@LungUSA.org
1301 Pennsylvania Ave NW, Suite 800
Washington, DC 20004-1725

Gina McCarthy/DC/USEPA/US	To	
Sent by: Teri Porterfield	cc	
	bcc	
11/02/2009 07:31 AM	Subject	Enviro Group Mtg.

Meeting

Date	11/02/2009
Time	10:30:00 AM to 11:30:00 AM
Chair	Gina McCarthy
Invitees	
Required	Addie Johnson; Avi Garbow; Beth Craig; Mary-Kay Lynch; Mathy Stanislaus; Michael Broughton; Patrick Easter; Peter Silva
Optional	Alecia Allston; Dana Tulis; Don Zinger; Drew McConville; Lori Keyton; morris.barbara; Ross Natoli; Sara DeCair; Tom Kelly
FYI	
Location	Conf Room: 5415 ARN Call In # [redacted]#

Gina asked that we work with you to schedule a meeting for her and the other EPA recipients (Mathy Stanislaus, OSWER AA, Peter Silva, OW AA, and Scott Fulton, General Counsel) with the senders of an August 5, 2009 letter about the Agency's radiation guidance. Dan Hirsch, listed below, has offered to serve as a coordinator for the group. His contact information is as follows: phone 831-332-3099, email cbghirsch@aol.com.

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Lynn Thorp: Clean Water Action
Daniel Hirsch: Committee to Bridge the Gap
Anna Aurelio: Environment America
Wenonah Hauter: Food and Water Watch
Erich Pica: Friends of the Earth
Jim Riccio: Greenpeace
Mary Elizabeth Lampert: Massachusetts Citizens for Safe Energy
Geoff Fettus: Natural Resources Defense Council
Diane D'Arrigo: Nuclear Information and Resource Service
Professor Richard Clapp: Boston University School of Public Health
Allison Fisher: Public Citizen
Dave Hamilton: Sierra Club

Bob Perciasepe/DC/USEPA/US
Sent by: Teri Porterfield

08/06/2012 02:38 PM

To
cc
bcc
Subject Meeting w/Enviros to Discuss Shell's Drilling Plan

Meeting

Date 08/10/2012
Time 11:30:00 AM to 12:30:00 PM
Chair Bob Perciasepe
Invitees
Required Arvin Ganesan; Bob Sussman; Carolyn Levine; Dennis McLerran; Dianne Soderlund; Edward Kowalski; Janet McCabe; Janet Woodka; Laura Vaught; Mathy Stanislaus
Optional Gina McCarthy; James Gibson; Ron Slotkin
FYI Ann Campbell; Donald Maddox; Emily Atkinson; Linda Chappell; Mary Hanley; Matthew Magorrian; MichaelE Scozzafava; Monee Gardner; Patricia Haman; Shawna Bergman
Location Bullet Room - Call In # 8[redacted]
[redacted]

One addition to that list: Kert Davies, Greenpeace. So there will be 8 of us.

Thanks for agreeing to meet with our coalition next week, August 10th, at 11:30 am, to discuss Shell's air permit for their Arctic drilling plans. The following folks - plus me - will attend the meeting:

John Walke, NRDC
Bill Snape, Center for Biological Diversity
Alex Taurel, League of Conservation Voters
Kristin Miller, Alaska Wilderness League
Corry Westbrook, Oceana
David Moulton, The WIlderness Society

See you next week. - Athan

--

Athan Manuel
Director, Lands Protection Program
Sierra Club
50 F St. NW, Eight Floor
Washington, DC 20001
Direct line: 202-548-4580
Fax: 202-547-6009
Cell: 202-716-0006

FYI: The following group came to see Janet McCabe on 7/25...

Letter to EPA re Shell's Chukchi air permit revision request.pdf

Hi Emily,
Attached for Ms. McCabe's reference is a letter sent July 19 by a number of conservation organizations to Regional Administrator McClerran regarding Shell's proposal to modify its permit for the Noble Discoverer drillship. We hope to discuss some of the points raised in this letter.
Thanks again,
Mike

Hi Emily,

The attendees at tomorrow's meeting with Janet McCabe will be:
Michael LeVine (Oceana);
Kristen Miller (Alaska Wilderness League);
Bill Snape (Center for Biological Diversity);
Alex Taurel (League of Conservation Voters); and
Athan Manuel (Sierra Club).

Thank you very much.

Mike

Gina McCarthy/DC/USEPA/US

Sent by: Teri Porterfield

02/12/2010 02:41 PM

To

cc

bcc

Subject RTR Deadline Suite - DO NOT MOVE.

Meeting

Date 02/23/2010
Time 02:00:00 PM to 03:00:00 PM
Chair Gina McCarthy
Invitees
Required Amy Branning; Patricia Embrey; Peter Tsirigotis; Steve Page; Wendy Blake
Optional Don Zinger; Donald Maddox; Janet McCabe; Jean Walker; Lala Alston
FYI
Location Conf room 5400 ARN Call In $ [redacted]

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Thank you in advance.

Amy Huang Branning
EPA Office of General Counsel
phone: (202) 564-1744
fax: (202) 564-5603 or (202) 564-0070

"smaddin" <smaddin@earthjustice.org>

07/13/2012 01:36 AM

To Gina McCarthy

cc

bcc

Subject Accepted: Invitation: Meeting with Earthjustice on polyvinyl chloride rule (Jul 19 04:15 PM EDT in ARN 5400/Conference: [redacted])